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Ktown for All*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, *et al.*,

Defendants.

CASE NO. 2:19-cv-06182-DSF-
PLA

Assigned to Judge Dale S. Fisher

**DECLARATION OF SHAYLA
MYERS IN SUPPORT OF
MOTION TO COMPEL**

Complaint Filed Date: July 18, 2019

Hearing Date: April 21, 2021
Time: 10:00 a.m.
Courtroom: 780

DECLARATION OF SHAYLA MYERS

I, Shayla Myers, hereby declare and state as follows

1. I am an attorney licensed to practice law in the State of California at the Legal Aid Foundation of Los Angeles, and an attorney of record for the plaintiffs in the above-captioned matter. I have personal knowledge of the facts set forth herein and could testify competently thereto if called as a witness. I make this declaration in support of Plaintiffs' Motion to Compel.

2. On October 16, 2019, Plaintiff Ali El-Bey provided the Requests for Production of Documents ("RFP")-Set One to Defendants. The requests were deemed served on July 13, 2020, the date of the Parties' Rule 26 conference. A true and correct copy of the RFPs is attached as Exhibit A.

3. On August 12, 2020, Defendant served its Responses to Requests for Production of Documents ("RFP")-Set One. A true and correct copy of the Responses is attached as Exhibit B.

4. On October 9, 2020, Defendant served Amended Requests for Production of Documents ("RFP")-Set One. A true and correct copy of the Amended Responses to RFPs is attached as Exhibit C.

Meet and Confer Efforts

5. In September 2019, the parties met and conferred regarding Defendant's contemplated motion to dismiss. During that call, the City indicated that Plaintiffs Zepeda, Zamora, and Haugabrook had not provided sufficient notice of their claims because they had not included the location of the cleanups alleged in the complaint. Counsel for the City stated that the cleanup alleged by Ms. Zepeda and Ms. Zamora did not occur on the date or location alleged. I informed her that we stood by our allegations, but we agreed to amend to the complaint to add additional location for Mr. Haugabrook and Ms. Zepeda and Zamora, which we did when we filed a Supplemental Complaint on October 17, 2019.

6. On October 21, 2019, the City filed a Motion to Dismiss Plaintiffs' Supplemental Complaint to First Amended Complaint for Lack of Subject Matter

1 Jurisdiction (Dkt. 21) and a Motion to Dismiss Plaintiffs' Supplemental Complaint to First
2 Amended Complaint for Failure to State a Claim (Dkt. 22).

3 7. On October 16, 2019, Plaintiff Ali El-Bey served Requests for Production of
4 Documents ("RFP")-Set One. In addition, I sent a cover letter requesting the City
5 commence discovery. Defendant refused. Instead, Patricia Ursea, counsel for the City,
6 responded that it would provide Plaintiffs "with documents relating to all 2019 incidents
7 alleged in the Supplemental Complaint, which are directly relevant to Plaintiffs as-applied
8 challenge to the ordinance that all parties agree will be at issue in this case, regardless of
9 the outcome of the motions to dismiss." A true and correct copy of the letter is attached
10 as Exhibit D.

11 8. On November 6, 2019 the City produced CTY00001-2212. The production
12 consisted of two massive PDFs, the first 1235 pages and the second over 900 pages. The
13 PDFs contained no metadata and no separation between the individual documents in the
14 single PDF. The production did not include any documentation related to any of Mr.
15 Haugabrook's claims, nor did it provide specific reports related to the cleanups of Ms.
16 Zepeda and Ms. Zamora's belongings.

17 9. On November 26, 2019, within the context of meeting and conferring about a
18 Motion to Compel Early Discovery, my co-counsel, Michael Onufer, sent a letter to Mr.
19 Lebron, listing documents related to the Specific Incidents which had not been produced
20 by the City, including any documents related to Mr. Haugabrook. A true and correct copy
21 of the letter is attached as Exhibit E.

22 10. Two weeks later, Mr. Lebron responded and stated "The November 26 letter
23 discusses purported 'deficiencies' in the City's November 6, 2019 production of
24 documents. To be clear, there can be no 'deficiencies'" in an early and voluntary production
25 of documents." However, the City agreed to produce some additional documents, but
26 refused to produce body camera footage and additional documents. A true and correct
27 copy of the letter is attached as Exhibit F.

1 11. With regards to documents related to Mr. Haugabrook's alleged incidents, Mr.
2 Lebron represented "the City does not have any records relating to Haugabrook's alleged
3 incident in 'March 2019' for a rapid response at or around "Figueroa St., between 53rd St.
4 and 52nd Place" as alleged in paragraphs 191-196 of the Complaint." He then stated "[t]he
5 City is assessing this absence of evidence and what appears to be a failure to investigate
6 the basis of Haugabrook's claims before filing suit. The City anticipates making another
7 early production of documents that includes the reports for all cleanups conducted in South
8 LA in March 2019 for the purpose of expediting Haugabrook's dismissal." *Id.*

9 12. On December 10, 2019 the City produced CTY002212-2677, which again
10 was produced as two large PDFs, contained no metadata, and no separation of individual
11 documents. This production consisted of additional PDFs of photographs the City had not
12 previously produced and "LAPD documents."

13 13. In December 2019, the parties continued to meet and confer regarding
14 Plaintiffs' intended motion to compel early discovery. On December 19 2019, Ms. Ursea
15 offered to produce "documents about the City's customs, polices and procedures" in
16 January 2020. I requested clarity from Ms. Ursea about what documentation she intended
17 to produce. She stated that "The documents we had in mind for producing in early
18 discovery fall into the category set forth in Plaintiffs' proposed RFP #2: 'All policies,
19 procedures, directives, manuals, and special orders related to LAMC 56.11 and
20 ENCAMPMENT CLEANUPS, including but not limited to the seizure, storage or
21 destruction of people's belongings pursuant to LAMC 56.11.'" Ms. Ursea requested
22 Plaintiffs agree to continue the motion practice to accommodate the City's schedule. A true
23 and correct copy of the email exchange is attached as Exhibit G.

24 14. In response, I agreed to such a continuance if Ms. Ursea agreed to produce all
25 documents in response to the above RFP. *Id.* On December 20, Ms. Ursea wrote back and
26 stated "We agree to produce documents related to the City's policies, practices and
27 procedures as requested by Plaintiffs in RFP #2, and we will make a supplemental
28 production by January 10, 2020. Of course, we continue to reserve all rights and objections

1 on this and all discovery requests. We appreciate your courtesy in giving us until at least
2 Jan. 10 to respond to any discovery stipulation you may serve.” *Id.* I believed, based on
3 this statement and the acceptance of the continuance, that Ms. Ursea was agreeing to
4 produce all documents in the City’s possession, custody and control, that were responsive
5 to this request.

6 15. On January 10, 2020, the City produced additional “policy documents.” The
7 production contained some LAPD policies and numerous council files for motions
8 unrelated to the discovery request. I am very familiar with the City’s council file system,
9 located at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=c.search&tab=cfi>.
10 Nearly all of the documents produced by the City are publicly available through this
11 website. The City did not produce any internal LA Sanitation policies. For example,
12 although council for the City included the council file for the amendment to LAMC 63.44,
13 which relates to the seizure of property in parks, it did not include the Standard Operating
14 Procedures related to cleanups in the parks and the enforcement of that ordinance. This
15 was produced in December 2020.

16 16. On January 10, 2020, the City also produced documentation from 22
17 encampment cleanups, which the City indicated were “all cleanups conducted in South LA
18 in March 2019 for the purpose of expediting Haugabrook’s dismissal.” *See* Exh. F.

19 17. On January 15, 2020, Plaintiffs filed a Motion for Expedited Discovery (Dkt.
20 29), seeking an order compelling the City to produce additional documents or,
21 alternatively, requiring Defendant to attend an early Rule 26 conference. True and correct
22 copies of the Joint Stipulation and Declaration of Patricia Ursea are attached as Exhibit H.
23 On January 29, 2020, Magistrate Judge Abrams issued an Order denying Plaintiffs’ Motion
24 for Expedited Discovery (Dkt. 33). A true and correct copy of the Order is attached as
25 Exhibit I.

26 18. On February 15, 2020, the District Court issued an Order Granting in Part and
27 Denying in Part Defendant’s Motion to Dismiss for Failure to State a Claim (Dkt. 36). A
28 true and correct copy of the order is attached as Exhibit J. The Court also issued an Order

1 Granting in Part and Denying in Part Defendant's Motion to Dismiss for Lack of Subject
2 Matter Jurisdiction (Dkt. 37).

3 19. On February 26, 2020 Plaintiffs filed a Motion for a Preliminary Injunction.
4 (Dkt. 38).

5 20. On March 9, 2020, Defendant filed its Opposition to Plaintiff's Motion for a
6 Preliminary Injunction (Dkt. 42), along with a Declaration of Howard Wong (Dkt. 42-6).
7 Mr. Wong's declaration is attached as Exhibit K.

8 21. In support of its Opposition to Plaintiffs' Motion for Preliminary Injunction,
9 the City produced documents on March 1, 2020, including a summary of data related to
10 the storage of property seized and sent to storage. These documents would have been
11 responsive to the early discovery sought by Plaintiffs, which Defendants asserted were
12 overbroad and not relevant. This includes documents related to the storage of property.

13 22. The Court granted the preliminary injunction on April 22, 2020, enjoining the
14 enforcement of two provisions of LAMC 56.11, citywide. *See* Order Granting Plaintiffs'
15 Motion for a Preliminary Injunction (Dkt. 58).

16 23. On April 9, the City filed its third Motion to Dismiss. *See* Defendant's Motion
17 to Dismiss Second Amended Complaint (Dkt. 57). On April 27, 2020, Plaintiffs filed our
18 Opposition to Defendant City of Los Angeles's Motion to Dismiss Second Amended
19 Complaint (Dkt. 59). A true and correct copy of the opposition is attached as Exhibit L.

20 24. On June 2, 2020, the Court issued an Order Granting in Part and Denying in
21 Part Defendant's Motion to Dismiss. (Dkt. 65). A true and correct copy of the order is
22 attached as Exhibit M.

23 25. The Court scheduled a Scheduling Conference for August 3, 2020 and on July
24 13, 2020, the last day possible to do so, the parties finally conducted the Rule 26 conference
25 and Plaintiff Ali El-Bey's Requests for Production of Documents-Set One were deemed
26 served. Plaintiffs attempted to address ways to proceed with discovery, but issues raised
27 by Defendant, including a process for obtaining emails and other ESI, the form of the
28 production of ESI, and potential ways to address the City's stated concerns about the

1 purported burden of Plaintiffs' discovery requests. Although the City had Plaintiffs'
2 discovery requests since October 2019, the City was unwilling or unable to discuss these
3 issues.

4 26. During the conference, the City proposed, for the first time, that the parties
5 bifurcate the case into two phases—the first concentrating on the individual plaintiffs'
6 claims and the second, if necessary, focusing on the extent of the remedies. In exchange
7 for limiting the first phase only to the Specific Incidents, Defendant offered to waive
8 *Monell* liability as to the individual incidents Plaintiffs raised concerns that this approach
9 did not account for Ktown for All's claims at all or the claims for prospective relief.
10 Plaintiffs also raised concerns that this approach would lead to significant discovery
11 disputes about what was relevant to the first phase versus the second, and result in
12 duplication of efforts. We also pointed out the District Court's strong preference against
13 phased discovery. In the interest of collaboration, Plaintiffs agreed to and did review a
14 written proposal by Defendants.

15 27. On July 27, 2020, the parties filed a Joint Rule 26 statement. My co-counsel
16 and I disagreed with the contexts of Defendant's representations about our meet and confer
17 efforts, in particular with regards to the format of the production of documents. Because
18 of the deadline to file the Rule 26 report, the parties were unable to meet and confer further.
19 I sent an email to the City, indicating my concern about some of the contents and requesting
20 we discuss the issues more thoroughly.

21 28. On July 28, 2020, I sent a letter to counsel for the City requesting the parties
22 meet and confer about the form of production of ESI. I also requested the City meet and
23 confer further about the City's purported burden in exporting raw data in its various
24 databases. A true and correct copy of my July 28, 2020 letter is attached hereto as Exhibit
25 N. Mr. Lebron responded and declined to meet and confer, stating instead that "The City
26 is preparing a list of discovery issues to address in a meet-and-confer process in the context
27 of a motion for protective order, which will include ESI-related issues raised in your
28 correspondence. The meet-and-confer discussion must be conducted as part of the larger

1 discussion regarding the scope and breadth of the document requests.” A true and correct
2 copy of the email is attached as Exhibit O.

3 29. On July 30, 2020, I sent a letter to counsel for the City regarding their
4 proposed phasing of discovery and trial. In particular, we raised concerns that the proposed
5 phasing would lead to unnecessary discovery fights, that the plan did not take into account
6 Ktown for All’s claims at all, nor did the plan take into account Plaintiffs’ claims for
7 declaratory relief under the Declaratory Judgments Act. Plaintiffs specifically offered to
8 meet and confer further if the City felt it would be useful. A true and correct copy of the
9 letter is attached hereto as Exhibit P. The City did not respond to this letter.

10 30. On August 12, 2020, the City served its Objections and Responses to Plaintiff
11 Ali El-Bey’s Requests for Production and produced an additional set of documents. The
12 City once again produced all of the documents in a number of large PDF files with no
13 demarcation between the individual documents and no metadata.

14 31. On August 19, 2020, my co-counsel reached out again to request defense
15 counsel meet and confer regarding the issues raised in our July 28 letter regarding the City’s
16 method of production. Mr. Lebron reiterated his intention to file a motion for a Protective
17 Order and responded that he was “working on a letter regarding the City’s motion for
18 protective order” but would be available the following week.

19 32. On August 24, 2020, my co-counsel, Benjamin Herbert, sent a letter to the
20 City regarding the City’s failure to produce documents responsive to Plaintiffs or abide by
21 the requirements of Rule 34. A true and correct copy of the August 24, 2020 letter is
22 attached hereto as Exhibit Q.

23 33. On August 24, 2020 Mr. Lebron wrote my co-counsel, Michael Onufer and
24 Benjamin Herbert, a letter to meet and confer regarding Plaintiff Ali El-Bey’s Requests for
25 Production of Documents-Set One and the City’s motion for a protective order to limit the
26 scope of discovery. A true and correct copy of the letter is attached hereto as Exhibit R.

27 34. On August 25, 2020, counsel for the parties met to discuss the deficiencies in
28 the City’s responses to Plaintiffs’ requests. Counsel for the City reiterated its objections to

every single one of Plaintiffs' requests on the basis of relevance. Counsel for the City required me and my counsel to recite the relevance of each and every single request. When I raised concerns that Mr. Lebron was abusing the meet and confer requirement under Rule 7, he asserted that it was our burden to demonstrate that each request was relevant, and if we failed to answer the objection, he would inform the Court that Plaintiffs had refused to meet and confer about the request, in violation of Rule 37. As a result, counsel for Plaintiffs remained on the call for more than two and a half hours. Despite the length of the call, the City refused to provide the requested information regarding the burden articulated by Defendants to produce responsive documents and simply let us know he would have to get back to us about each of the issues we raised. Because the City argued that the requests were not relevant and therefore unnecessary, the City refused to concede that any burden would be proportionate to the needs of the case. The City also still refused to negotiate regarding the form of the City's production.

35. On September 14, 2020, after the City failed to respond to any of the outstanding issues, I sent a further meet and confer letter, requesting a response by September 18 to the outstanding issues. A true and correct copy of the September 14, 2020 letter is attached hereto as Exhibit S.

36. On September 18, 2020, counsel for the City emailed me informing me that the City received my September 14, 2020 letter and would "get us what [they] said [they] would." He refused to provide a date certain by which to respond, but stated only that "I expect we will be next week" in a position to do so.

37. I responded to the email from the City's counsel on September 18, 2020 expressing my concern about the City's delay in producing even the most straightforward discovery following our August 25, 2020 meeting. A true and correct copy of the September 18, 2020 email exchange is attached hereto as Exhibit T.

38. The following Friday, September 25, 2020 counsel for the City responded to my September 14, 2020 meet-and-confer letter. In the letter. A true and correct copy of the September 25, 2020 letter is attached hereto as Exhibit U.

1 39. On October 2, 2020, the parties met and conferred further regarding
2 Defendant's objections that the RFPs were propounded only by Mr. Ali but sought
3 documents related to the other Plaintiffs. Although Plaintiffs continued to disagree with
4 the City's interpretation of Rule 26, which states that "Parties may obtain discovery
5 regarding any nonprivileged matter that is relevant to any party's claim or defense and
6 proportional to the needs of the case." Fed. R. Civ. P. 26(b)(1), in the interest of avoiding
7 court intervention on this issue, the parties agreed that the RFPs would be deemed served
8 by all Plaintiffs, a ruling on any motion to compel would be binding on all parties, and the
9 City would serve amended written responses in a week. A true and correct copy of the
10 September 25, 2020 letter is attached hereto as Exhibit V.

11 40. On October 9, 2020, the City served Amended Responses to Plaintiffs' RFPS,
12 Set One. *See* Exhibit C.

13 41. On October 26, 2020, I deposed Domingo Orosco, a manager within LA
14 Sanitation, in the hopes of obtaining information related to Plaintiffs' outstanding
15 discovery, including the names of potential custodians for email discovery as well as
16 information related to the City's violation of the Preliminary Injunction. In response to
17 RFPs served along with the deposition notice, the City produced a significant number of
18 emails responsive to the requests, prior to the deposition.

19 42. On November 10, I reached out to counsel for the City to meet and confer
20 further regarding the City's Amended Responses, and the parties scheduled a call for
21 November 16. That day, counsel for the City indicated that they were "currently trying to
22 assess the feasibility of giving you access to the entirety of the requested databases."

23 43. During the call, Ms. Ursea indicated that Mr. Lebron was currently out on
24 leave. Mr. Dermer participated in the call, and he had been involved in each of the prior
25 calls regarding discovery. During the call, Counsel for the City indicated its willingness
26 to meet and confer about the production of further documents responsive to our requests.
27 I identified some missing documents the City had failed to produce, including the
28 Operations/Daily Assignment sheets and the Online Encampment Authorizations. The

1 City would not provide any explanation why these documents had been withheld, insisting
2 that their colleague had been responsible for the research for responsive documents. They
3 agreed to look into the documents we identified and ensure that documents had been
4 produced. They would not however commit to producing all responsive documents or
5 amended written responses outlining the search for responsive documents, and instead
6 stood by their objections based on relevance and proportionality. They also were not yet
7 sure if they could produce the requested data and would need to get back to us about our
8 questions. I expressed my concern that the City had objected on the basis of burden and
9 proportionality for more than four months, and we had requested the City meet and confer
10 about these particular issues in August. Because the City appeared willing to now produce
11 additional documents, it was our hope that the discovery would now advance more quickly.
12 Counsel for the City still refused to provide a date certain for the completion of the
13 production of documents responsive to Plaintiffs' request. Counsel for the City did agree
14 to provide additional information on November 19, 2020 about the City's intent to produce
15 additional discovery.

16 44. Counsel for the City indicated during the call that it would produce the
17 documents previously produced as massive PDFs as individual documents with metadata
18 intact. Shortly after the call, however, Mr. Dermer retracted this agreement, stating that
19 "the early productions were done in a completely different fashion and in no way can be
20 recreated . . . " A true and correct copy of Mr. Dermer's email is attached as Exhibit X.

21 45. During the call, the parties also discussed the production of emails responsive
22 to Plaintiffs' requests and the process for moving forward. During the call, counsel for the
23 City was unable to provide us with any information about the City's search capabilities or
24 the process for obtaining responsive emails. I agreed to provide the City a list of search
25 terms and custodians.

26 46. On November 19, I sent a follow up letter confirming the issues we discussed
27 on the call. A true and correct copy of my November 19, 2020 letter is attached as Exhibit
28 Z.

1 47. On November 19, 2020, Ms. Ursea emailed an update, a true and correct copy
2 of which is attached hereto as Exhibit AA. Ms. Ursea indicated it would take an additional
3 30 days to produce responsive documents.

4 48. On November 24, 2020, when I provided an initial proposed list of search
5 terms and custodians to the City and offered to meet and discuss the proposed terms and
6 custodians. We requested that the City review the list and if they wanted to discuss the
7 terms, we requested hit counts for the terms, to guide the discussion. A true and correct
8 copy of the letter and the list of search terms is attached as Exhibits AB.

9 49. Ten days later, on Friday, December 4, 2020, the Deputy City Attorney
10 emailed me to raise concerns about two of the search terms we proposed and indicated for
11 the first time that the City had not begun running the search terms. I immediately
12 responded back and asked for an update regarding the anticipated timeline for running the
13 initial searches. Ms. Ursea responded the following Monday, stating that the searches had
14 not been run but it was based on their belief that the hits would be overbroad that she
15 proposed additional terms. I responded that afternoon with a counterproposal for search
16 terms. I reiterated my request for an update about when the City would be able to provide
17 an initial hit count to assess the viability of the terms and an update on the timeline for
18 production. A true and correct copy of the exchange is attached as Exhibit AC.

19 50. On December 8, 2020, Ms. Ursea responded, stating that the “search process
20 is resource-intensive and time-consuming.” She stated for the first time that Plaintiffs had
21 requested the City run “very broad searches” but did not address Plaintiffs’ proposed search
22 terms to address her concerns or raise any other concerns about any of the other terms. In
23 addition, Ms. Ursea stated that “we had intended to meet and confer up front as to some of
24 the other custodians and search terms” and two examples. She then went on to state “given
25 that this approach has led to accusations of intentional delay, we will do as as Plaintiffs
26 wish and request IT run an initial search with no limitations, then meet and confer if
27 needed.” The City refused to provide us with any time estimate about the production of
28

1 responsive documents. A true and correct copy of Ms. Ursea's email is attached as Exhibit
2 AD.

3 51. That evening, I responded and again requested the City provide us with
4 estimate of the timeline for production of responsive documents. I also reiterated our
5 willingness to meet and confer about the issues raised by Defendant but requested they not
6 hold up the submission of the search terms while the parties met and conferred. A true and
7 correct copy of the email is attached as Exhibit AE.

8 52. On December 9, 2020, I sent the City a follow up letter regarding a number
9 of outstanding issues related to the production of documents, since I had not heard back
10 from the City on the majority of the issues outstanding from our November 14, 2020 call.
11 I reiterated my request for a date certain for the completion of the City's production and
12 responses that complied with Rule 34. I also reiterated my request for a "data dictionary"
13 to interpret the data produced by the City of LA, so Plaintiffs could ensure that the data
14 produced by the City was manageable and complete. Finally, I requested the City confirm
15 what documents it intended to produce by December 11, 2020. A true and correct copy of
16 the December 9 letter is attached hereto as Exhibit AF.

17 53. On December 10, 2020, the Deputy City Attorney emailed me a response to
18 my letter, taking issue with the fact that I had sent a follow up letter. Although I disagreed
19 with many of the City's self-serving statements, I simply responded that I looked forward
20 to a substantive response to my letter. A true and correct copy of the December 11, 2020
21 email exchange is attached hereto as Exhibit AG.

22 54. On December 11, 2020, Ms. Ursea responded to me via email providing
23 updates on the state of the City's outstanding production. In response to my request for a
24 date certain for the completion of production, Ms. Ursea simply wrote, "we continue to
25 work on these and the handful of other issues identified in your letter and will update you
26 on a rolling basis as we learn additional information." A true and correct copy of the
27 December 11, 2020 email is attached hereto as Exhibit AH.

1 55. On December 16 and 18, the City provided 693 additional documents. The
2 majority of the documents (approximately 550, making up about 4000 pages) were weekly
3 reports to the mayor, produced as PDFs, which included “tonnage reports.” The City
4 provided exported data from the three databases it had identified, but limited the production
5 of data from two of them to only January 1, 2018 to December 31, 2019. On December 18,
6 2020, I responded to the Deputy City Attorney’s email regarding the City’s failure to
7 provide metadata with the City’s initial production of documents. On December 23, Ms.
8 Ursea agreed to produce the electronic versions of the Specific Incidents and the South LA
9 incidents.” She stated that “[w]e intend to produce the files on a rolling basis and will
10 provided an estimated time of completion when we receive it.” She also indicated that the
11 City’s failure to provide the agreed-upon data was an oversight and would produce it
12 shortly. A true and correct copy of the December 18-23, 2020 email exchange is attached
13 as Exhibit AI.

14 56. On December 29, 2020, the Deputy City Attorney emailed me regarding the
15 status of the City’s document production. A true and correct copy of the December 29,
16 2020 email is attached hereto as Exhibit AJ. The City also produced the additional data
17 from the three databases through November 2020.

18 57. Following the December 29, 2020 email, I have not received a response from
19 the City, including any update on any outstanding issues. On February 16, 2021, I sent an
20 email to the City, requesting the City provide us an update on the City’s production of
21 emails. A true and correct copy of my email is attached as Exhibit AK.

22 58. On March 2, 2021, Ms. Ursea sent me an update on the status of email
23 production, indicating that the productions still had not been run and that the parties would
24 need to meet and confer further regarding the production of responsive documents. A true
25 and correct copy of her email is attached as Exhibit AL.

26 59. On March 3, 2021, the City produced approximately 1748 emails and related
27 attachments or approximately 4,650 documents. The vast majority of the emails are daily
28

1 emails sent to large distribution lists (i.e., cleanup schedules, daily recaps). The City has
2 not produced any additional emails since then.

3 60. On March 3, 2021, I emailed counsel for the City and requested they provide
4 data from the CIS database, which they had failed to disclose during the myriad meet and
5 confer discussions related to the City's databases. A true and correct copy of the email is
6 attached as Exhibit AM. The City simply did not responded to this email.

7 61. On January 8, 2021, the City responded to Miriam Zamora's Interrogatories,
8 Set One. The City provided amended responses to those interrogatories on February 16.
9 2021. A true and correct copy of the Amended Responses are attached as Exhibit AN.

10
11 **Review of the City's Production**

12 62. The City produced CTY18901 on December 16, 2020, which is an excel
13 spreadsheet of all Release from Custody (RFCs) for LAMC 56.11 issued by the LAPD
14 from April 2016 to December 2019. The database includes the names of individuals, as
15 well as the dates they were cited and where. I ran the names of our Plaintiffs and there
16 were entries for both Janet Garcia and Pete Diocson. No records of these RFCs or any
17 resulting court filings were produced by Defendants.

18 63. In the course of reviewing documents produced by the City of Los Angeles,
19 we identified CTY020531, which according to the document's metadata, was a file called
20 2018 Harbor Log.xlsx. The document was an attachment sent from Marya Mason to a
21 numer of other individuals within the LAPD on June 5, 2018. The body of the email states
22 that the "attached data logs from HOPE recap and outreach efforts." The.xlsx spreadsheet
23 contained a log of a number of fields, including dates, individuals' names, DOBs,
24 "activities" by location, vehicle, as well as officers' names, notes, and "enforcement." I
25 ran a search of Plaintiffs, Marquis Ashley, and he appeared twice in the database. The
26 record indicates that the LAPD conducted an FI. No documents related to this were ever
27 produced by Defendant.

64. I have reviewed the documents identified by the City in response to RFP 47. The City produced a single page of storage data from 2019 in PDF form, which it used in its opposition to Plaintiffs Motion for Preliminary Injunction. *See* Exh. J. The rest of the PDF consists primarily of contracts between the Los Angeles Homeless Services Authority and Chrystalis and individual storage sheets. The City produced PDFs of 2018 and January through June 2020 totals similar to the 2019 totals it previously produced at CTY019492, CTY007476-77. In addition, the City produced two spreadsheets that contain data from January through June 2019 (CTY016065) and July 2018 and June 2019 (CTY016066). But the City has refused to identify the source of these data for these charts, despite numerous requests from Plaintiffs to do so, or produce a complete set of data for the date range requested.

65. My office also reviewed other documents produced by the City. The City produced a number of PowerPoint presentations regarding LAMC 56. 11. Attached as Exhibit AO is Slide 4 of the PowerPoint produced at CTY015243 and Slides 8-9 of CTY010634.

SOUTH LA DOCUMENTS

66. On January 10, 2020 the City produced additional documents Bates labeled CTY003240-004085. The production contained documents from 22 encampment cleanups, which Mr. Lebron had indicated were “the reports for all cleanups conducted in South LA in March 2019,” which the City was producing “for the purpose of expediting Haugabrook’s dismissal.” *See* Exh. F. Because the City did not define what constitutes South Los Angeles, my office mapped the locations of cleanups provided by the City to see the area covered by the cleanups using a google maps-based program, My Maps. A true and correct copy of the map is attached as Exhibit AP.

67. Using tools available through My Maps, I measured the distance between the locations provided. The closest location to Mr. Haugabrook’s location is 8734 S. Broadway, which was still almost a mile away from Mr. Haugabrook’s location. The

1 furthest location from Mr. Haugabrook's location was at Pueblo Avenue and Huntington
2 Dr., 90032, almost 10 miles away. Two of the locations were in El Sereno, which is not
3 South Los Angeles. Excluding the two cleanups in El Sereno, the twenty remaining
4 cleanups were spread out over more than 30 square miles.

5 68. On December 18, 2020 the City of Los Angeles produced databases that
6 contained raw data from the City related to encampments cleanups. I ran searches for
7 cleanups in "South Los Angeles" that took place in March 2019 in the WPIMS database.

8 69. First, I sorted the cleanups CD 9, which is the council district in "South LA"
9 that covers 52nd Place and Figueroa (although notably, the cleanups covered by the City's
10 production included cleanups in CD 8, 9, 14, and 15). In WPIMS (CTY020222), there
11 were 723 cleanups listed for March 2019. Of those, 315 did not include council district
12 data. Of the remaining cleanups, there were 46 cleanups were listed in CD 9. In the City's
13 storage database, which included more complete council district information, there were
14 77 cleanups listed in the City's storage data, produced at CTY016066. And in the Tonnage
15 Report provided by LA Sanitation to Council District 9, there were 56 encampment
16 cleanups listed in March 2019. The tonnage report is attached to the Riskin Declaration,
17 Exhibit B.

18 70. I also searched for any cleanups that were conducted on 52nd (either Street or
19 Place) in March 2019 in CTY016065 and CTY016066. There were 30 separate cleanups
20 identified for March 2019 in CTY016065. I further searched for Figueroa St. There were
21 two cleanups identified. A final search generated two Rapid Response cleanups at 52nd
22 Place in March 2019, and further refining demonstrated that there was a **Rapid Response**
23 **cleanup at 52nd Place and Figueroa St. on March 4, 2019.** There were also Public Rights
24 of Way cleanups conducted on 53rd Street on March 27th and another conducted on Flower
25 that month. None of the documentation for cleanups that occurred on or around 52nd Place
26 were produced to Plaintiffs.

27 71. I then reviewed a sample of the addresses of the cleanups for which reports
28 were provided. One of the reports that was produced was for a Rapid Response cleanup

1 on Flower St, Los Angeles 90003. That report was produced. But the City failed to
2 produce the Rapid Response cleanup documentation for a cleanup on March 13, 2019 on
3 Flower St. Los Angeles 90037, even though 90037, and not 90003, is the zip code where
4 the cleanup of Mr. Haugabrook's belongings actually occurred.

5 72. When I reviewed the South LA reports produced by the City, I identified a
6 document "Operations/Daily Assignment sheets," which was produced along with the
7 reports. This document contains highly relevant information about the cleanups, but the
8 City failed to disclose them along with the rest of the forms and reports it produced, either
9 as an exemplar in response to RFP 21, or along with the documents produced related to the
10 Specific Incident documents. After I alerted the City to the existence of the document, the
11 City in December 2020 simply produced the documents for the dates of eight of the nine
12 Specific Incidents, as well as produced duplicates of the eight copies the City had already
13 produced for the South LA Cleanups. Had the City not produced these documents as part
14 of its South LA Cleanup production, Plaintiffs would have had no way of knowing the
15 documents even existed.

16
17 **ADDITIONAL DOCUMENTS**

18 73. Attached as Exhibit AQ is a true copy of an LA Sanitation report, produced
19 in response to Council File 14-1499-S6. The council file relates to the deployment of
20 HOPE teams and enforcement of LAMC 56.11. The file is available on the City's Clerk
21 Connect website. All of the documents produced at Bates No. CTY002678 to CTY003047
22 are similarly council files from the City Clerk's website. The City inexplicable did not
23 produce Council File 14-1499-S6, even though the report specifically discusses
24 encampment cleanups and enforcement of LAMC 56.11. In January 2020, nearly every
25 policy document that was produced related to LA Sanitation was available on the City
26 Clerk's website.

27 74. In response to RFP 36, the City produced a spreadsheet containing raw data
28 for arrests for LAMC 56.11, marked as CTY018901. I also obtained from the Lawyers

1 Committee for Civil Rights (LCCR) a spreadsheet that was produced to it by the LAPD in
2 response to a CPRA request about non-traffic citations issued for quality of life offenses,
3 including LAMC 56.11. The data provided to LCCR contains more fields than the data
4 produced by the City of LA. Specifically, the data produced to LCCR includes the citation
5 number as well as the address of the individual who was cited. In addition, the data
6 provided by the City in CTY018901 contains just a single column of violations, so only
7 those instances in which the top line offense, or first offense on the RF C is included. On
8 the other hand, the data produced to LCCR contains space for 8 columns of violations, As
9 a result, the LCCR data includes additional data entries for individuals who were cited for
10 LAMC 56.11, which were not included in the data produced to Plaintiffs. I have reviewed
11 the data provided to LCCR, and there are at least twenty-eight citations where the first
12 offense listed was not for LAMC 56.11. This does not necessarily represent the complete
13 universe of missing citations, since the LCCR data was limited by other factors, including
14 the address of the person arrested. The headers and first twenty-five rows of each
15 spreadsheet is attached as Exhibit AR.

16 75. The database provided from the City of Los Angeles to Plaintiffs at
17 CTY18901 does include the names of people who received citations. When I received the
18 database, my office searched for the names of each of our plaintiffs and identified two
19 instances in which Janet Garcia was cited for LAMC 56.11 in 2017 and one instance in
20 which Pete Diocson was cited for LAMC 56.11 in 2018. The City has not, to date,
21 produced documentation for these citations, including the Notices to Appear, although the
22 City has produced other similar documentation from the LAPD.

23 76. On March 3, 2021, the City produced approximately 1748 emails which it
24 represented was the first set of emails responsive to our search terms. My office reviewed
25 the emails. The vast majority of the emails were copies of daily emails sent from various
26 departments to large groups of individuals.

27 77. One of the attachments, CTY020531, is a spreadsheet entitled 2018 Harbor
28 Log.xlsx. The spreadsheet includes what appears to be a list of individuals stopped by a

1 specific LAPD HOPE team. The City only produced this type of spreadsheet for the limited
2 time period from December 2017 to June 2018, and only for four divisions in the South
3 Bureau. Plaintiff Marquis Ashley and Pete Diocson reside within the Harbor division, and
4 I searched their names in the database. Mr. Ashley's name appeared twice. According to
5 the spreadsheet, the LAPD officers conducted a Field Interview, but no documentation
6 about that FI cards have been produced in this litigation (or even identified as existing and
7 withheld).

8 78. I reviewed the database obtained by Adrian Riskin, which appears to be a
9 spreadsheet with exported data from the AMS database, as well as the excel spreadsheet
10 produced by the City at CTY020221, which purports to be all data from the AMS database.
11 The document was produced as an excel spreadsheet. The the header and first twenty-five
12 rows is attached as Exhibit AS. The database from Mr. Riskin contains 12 additional
13 columns, including the names of all City/County officials who approve and authorize
14 encampment cleanups and the dates of those authorizations.

15
16 **California Public Records Act Requests**

17 79. In July 26, 2018, a volunteer with a community organization sent a CPRA
18 request to LA Sanitation, seeking many of the documents at issue here, including
19 documentation of encampment cleanups, posting surveys and other documents.

20 80. On October 12, 2018, my office sent a CPRA to LA Sanitation requesting all
21 HOPE/Rapid Response 56.11 Enforcement Reports and related documents for the period
22 from June 1, 2018 to September 30, 2018. This request includes related Health Hazard
23 checklists, HOPE Metrics sheets, and other documents related to these reports.

24 81. The document sought in these CPRAs are the same documents sought by
25 Plaintiffs in response to RFPs 33 and 34. A true and correct copy of an exemplar of these
26 documents is attached as Exhibit AU.

27 82. In response to these two CPRAs, LA Sanitation produced Health Hazard
28 Assessments, HOPE metrics, posting surveys, and other documentation of Rapid Response

1 and CSLA cleanups from 2017 and 2018. The City did not object that the request was
2 burdensome or withhold any documents on the basis of privilege or any other exception.
3 Instead, the City made the documents responsive to the request available in paper copy to
4 be scanned from the hard copy. The City produced documentation for approximately 2000
5 HOPE Rapid Response enforcement actions, for 2018. The majority of this documentation
6 consisted of Metrics sheets, not full Health Hazard Assessment reports.

7 83. In response to a request under the California Public Records Act for “all
8 reports, data analysis, or statistics generated by the Homeless Outreach and Proactive
9 Engagement (HOPE) teams,” in 2018, the LAPD publicly disclosed nine reports and
10 documents that have not been produced to Plaintiffs, even though the reports analyze Rapid
11 Response and CSLA data, data related to the enforcement of LAMC 56.11, and the
12 deployment of the HOPE teams. Attached as Exhibit AT is a true and correct copy of the
13 request that was published to Nextrequest and one of the reports, the 2017 Year End Report.
14 I obtained these documents from the City’s Nextrequest portal on March 15, 2021.

15
16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on March 17, 2021 in Los Angeles, California.

18
19 
20 Shayla Myers

EXHIBIT A

Shayla Myers (SBN: 264054)
 Romy C. Ganschow (SBN: 320294)
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

JANET GARCIA, GLADYS
 ZEPEDA, MIRIAM ZAMORA,
 ALI EL-BEY, PETER DIOCSO
 JR, MARQUIS ASHLEY, JAMES
 HAUGABROOK, individuals,
 KTOWN FOR ALL, an
 unincorporated association;
 ASSOCIATION FOR
 RESPONSIBLE AND EQUITABLE
 PUBLIC SPENDING, an
 unincorporated association
 Plaintiff(s),

vs.

CITY OF LOS ANGELES, a
 municipal entity;
 DOES 1 -50,

Defendant(s).

CASE NO.: 2:19-cv-6182-DSF-PLA

Hon. Dale S. Fischer

DISCOVERY MATTER

PLAINTIFF ALI EL BEY'S
 REQUEST FOR PRODUCTION OF
 DOCUMENTS TO DEFENDANT,
 CITY OF LOS ANGELES – SET ONE

1 **PROPOUNDING PARTY: PLAINTIFF, ALI EL BEY**

2 **RESPONDING PARTY: DEFENDANT, CITY OF LOS ANGELES**

3 **SET NO.: ONE**

4
5 Pursuant to the Rule 34 of the *Federal Rules of Civil Procedure*, Plaintiff
6 ALI EL BEY requests that the CITY of Los Angeles ("CITY") serve a written
7 response as required by Rule F.R.Civ.P. 34(b) within 30 days of service (excluding
8 time for mailing).

9 **DEFINITIONS**

10 WRITING or DOCUMENT shall be interpreted in the broadest possible
11 sense and includes, without limitation, all written, recorded, printed, typed,
12 transcribed, filmed, digitized or graphic matter and all other tangible things and
13 media upon which any handwriting, typing, printing, drawing, representation,
14 electrostatic or other copy, sound or video recording, magnetic or electrical
15 impulse, visual reproduction or COMMUNICATION is recorded, reproduced or
16 represented, including each and any book, record, correspondence, report,
17 computer databases, radio calls, MDT transmissions and recordings, memoranda,
18 electronic mail (i.e., e-mail), contract, table, tabulation, graph, chart, diagram, plan,
19 schedule, appointment book, calendar, diary, time sheet, report, study, analysis,
20 draft, telegram, teletype or telecopy message, file, telephone log, telephone
21 message, check, microfilm, microfiche, picture, photograph, printout, electronic
22 data compilation, tape, diskette, drive, removable media, CD, DVD, DAT,
23 Metadata, note, minutes or transcript of proceedings, including, but not limited to,
24 minutes of meetings, or other COMMUNICATION of any type, including inter-
25 office COMMUNICATIONS, questionnaires, surveys, charges, newspapers,
26 booklets, circulars, work papers, bulletins, notices, instructions, resolutions,
27 reports, records, papers, bills or invoices, books of account, financial statements,
28

1 working papers, deeds, loan agreements, notes, ledgers, security agreements,
2 financing statements, tax returns, checks, receipts, journals and data of every
3 description, and shall include each and every original produced or reproduced by
4 any method, all non-identical copies (whether difference from the original because
5 of notes made in or attached to such copy, or otherwise), all data compilations
6 from which information can be obtained (translated, if necessary, into reasonably
7 usable form) and any preliminary versions, drafts or revisions of any of the
8 foregoing, in the Defendant's possession or control, or subject to its control, or to
9 which it has access.

10 **CITY** refers to the City of Los Angeles, and unless otherwise indicated,
11 includes any department, office, agency or entity within or part of the City of Los
12 Angeles, including but not limited to LA Sanitaiton, the Mayor's Office, the City
13 Council, Office of the City Attorney, the Office of the City Clerk, and the Los
14 Angeles Police Department.

15
16 **COMMUNICATIONS** means and includes every means of transmitting
17 information from one person or organization to another that results in the creation
18 of a DOCUMENT, paper or electronic, including but not limited to letters,
19 memorandum, notes, email, facsimile transmissions, work orders, videotape,
20 calendars, texts, IMs, and day planners.

21 **ENCAMPMENT CLEANUP** means any cleanup of a homeless
22 encampment conducted by Bureau of Public Works, Department of Sanitation (LA
23 Sanitaition), Bureau of Street Services, Los Angeles Police Department (LAPD),
24 or any other department, contractor, agent or employee, and includes without
25 limitation, cleanups conducted as part of Clean Streets LA, Operation Healthy
26 Streets, Rapid Response, HOPE team, CARE, and CARE+.

27 **LAMC 56.11** refers to the current version of Los Angeles Municipal Code
28 Section 56.11, as amended in 2016.

STORAGE FACILITY means any facility operated by the CITY or another entity, that is used to store property that is seized, taken, or otherwise obtained from individuals, as part of an ENCAMPMENT CLEANUP or other cleanup and is stored pursuant to LAMC 56.11 and the implementing protocols;

PRIVILEGES

If you claim the attorney-client privilege, or any other privilege, is applicable to any DOCUMENT of the production which is sought by these requests, the DOCUMENT need not be produced, but You shall, with respect to the DOCUMENT be prepared to:

1. State the date of the DOCUMENT;
2. Identify each author of the DOCUMENT;
3. Identify each other person who prepared or participated in the preparation of the DOCUMENT;
4. Identify each person who received the DOCUMENT;
5. Identify each person from whom the DOCUMENT was received;
6. State the present location of the DOCUMENT and all copies thereof;
7. Identify each person having custody or control of the DOCUMENT and all copies thereof; and
8. State the subject of the DOCUMENT and such other information as will allow Your claim of privilege to be adjudicated.

RELEVANT TIME

The relevant time period for the DOCUMENTS requested, unless otherwise indicated, is from **April 9, 2016 to the present.**

ITEMS REQUESTED

1. All DOCUMENTS that refer to or relate to any of the individual plaintiffs in this action;

1 2. All DOCUMENTS that refer or relate to ENCAMPMENT
2 CLEANUPS conducted in the following areas between January 1, 2018 and the
3 present:

- 4 a. Between 8th St. and 5th St. to the North and South, and Mariposa and
5 Hobart, to the East and West;
6 b. Aetna St., between Van Nuys Blvd. and Hazeltine Ave.;
7 c. Between Aetna and Delano St. to the North and South, and Kester
8 Ave., and Van Nuys Blvd to the East and West;
9 d. Figueroa, between 51st and 55th St.;
10 e. Lomita Blvd. between Figueroa and Vermont, and McCoy St.;

11 3. Job descriptions for each category of CITY employee that is routinely
12 assigned to participate in ENCAMPMENT CLEANUPS, including but not limited
13 to LA Sanitation employees and LAPD HOPE Team members;

14 4. Job descriptions for each category of CITY employee that is assigned
15 to the Unified Homeless Response Center (UHRC);

16 5. One copy of each version of the organizational chart for LA
17 SANITATION;

18 6. One copy of each version of the organizational chart for LAPD;

19 7. One copy of each version of any organizational chart that exists for
20 the Unified Homeless Response Center (UHRC);

21 8. Any roster, employee list, distribution list, directory, or other
22 DOCUMENTATION that identifies the names and job titles of each employee of
23 the CITY assigned to the UHRC;

24 9. One copy of each contract (including all exhibits, addenda,
25 attachments, and any other document incorporated by reference into said contract)
26 between the CITY and Clean Harbors or any other contractor or subcontractor that
27 participates in ENCAMPMENT CLEANUPS;
28

1 10. One copy of each contract (including all exhibits, addenda,
2 attachments, and any other document incorporated by reference into said contract)
3 between the CITY and Chrysalis or any other contractor or subcontractor that
4 stores property taken, seized or otherwise obtained by the CITY or otherwise
5 participates in the operation or management of any STORAGE FACILITY;

6 11. All policies, procedures, directives, manuals, bulletins, and special
7 orders, related to conducting ENCAMPMENT CLEANUPS, including but not
8 limited to the seizure or destruction of property belonging to homeless people;

9 12. All policies, procedures, directives, manuals, and special orders
10 related to LAMC 56.11, including but not limited to the handling of people's
11 belongings pursuant to LAMC 56.11;

12 13. All policies, procedures, directives, manuals, bulletins, and special
13 orders, related to storage of property pursuant to LAMC 56.11;

14 14. All policies, procedures, directives, manuals, bulletins, and special
15 orders, related to HOPE Teams;

16 15. All policies, procedures, directives, manuals, bulletins, and special
17 orders, related to the seizure or destruction of property because it constitutes an
18 "immediate threat to the health and safety of the public".

19 16. All DOCUMENTS related to trainings conducted by or for CITY
20 employees, agents, or contractors regarding LAMC 56.11, including but not
21 limited to the seizure, destruction, or storage of property pursuant to LAMC 56.11.
22 Requested materials include but are not limited to any flyers, email
23 communications promoting, announcing or otherwise describing the trainings;
24 calendar invitations for any trainings; attendance or sign-in sheets for any and all
25 trainings; training materials, including but not limited to presentations, handouts,
26 and manuals; presenter's notes; and notes taken by participants;

27 17. All DOCUMENTS related to trainings conducted by or for CITY
28 employees, agents, or contractors regarding ENCAMPMENT CLEANUPS,

1 including but not limited to the seizure, destruction, or storage of property.
2 Requested materials include but are not limited to any flyers, email
3 communications promoting, announcing or otherwise describing the trainings;
4 calendar invitations for the trainings; attendance or sign-in sheets for any and all
5 trainings; training materials, including but not limited to presentations, handouts,
6 and manuals; presenter's notes; and notes taken by participants;

7 18. All DOCUMENTS related to trainings conducted by or for CITY
8 employees, agents, or contractors regarding illegal dumping. Requested materials
9 include but are not limited to any flyers, email communications promoting,
10 announcing or otherwise describing the trainings; calendar invitations for the
11 trainings; attendance or sign-in sheets for any and all trainings; training materials,
12 including but not limited to presentations, handouts, and manuals; presenter's
13 notes; notes taken by participants;

14 19. All DOCUMENTS related to trainings conducted by or for CITY
15 employees, agents, or contractors at any time since January 1, 2012 regarding what
16 constitutes "an immediate threat to public health and safety," including but not
17 limited to the seizure, destruction, or storage of property on this basis. Requested
18 materials include but are not limited to any flyers, email communications
19 promoting, announcing or otherwise describing the trainings; calendar invitations
20 for any trainings; attendance or sign-in sheets for any and all trainings; training
21 materials, including but not limited to presentations, handouts, and manuals;
22 presenter's notes; and notes taken by participants

23 20. All DOCUMENTS related to trainings conducted by or for LAPD
24 members of the HOPE Teams. This request excludes documents related to
25 trainings that are conducted for all members of the LAPD.
26
27
28

1 21. One copy of each form used by the CITY or any of its contractors or
2 subcontractors, including Chrysalis, LAHSA, and Clean Harbors, related to
3 ENCAMPMENT CLEANUPS;

4 22. All instructions, manuals, training materials and policies related to
5 any form used by the CITY or any of its contractors or subcontractors, including
6 Chrysalis, LAHSA, and Clean Harbors that is related to ENCAMPMENT
7 CLEANUPS;

8 23. All COMMUNICATIONS related to the use of forms used by the
9 CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and
10 Clean Harbors, that are related to ENCAMPMENT CLEANUPS, including but not
11 limited to any email instructions or clarifications related to the use of the forms.

12 24. One copy of each form used by the CITY or any of its contractors or
13 subcontractors, including Chrysalis, LAHSA, and Clean Harbors, related to the
14 storage of personal property taken, seized, or otherwise obtained by the City;

15 25. All instructions, manuals, training materials and policies related to
16 any form used by the CITY or any of its contractors or subcontractors, including
17 Chrysalis, LAHSA, and Clean Harbors, that is related to the storage of personal
18 property taken, seized, or otherwise obtained by the City;

19 26. All COMMUNICATIONS related to the use of forms used by the
20 CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and
21 Clean Harbors, that are related to i that is related to the storage of personal
22 property taken, seized, or otherwise obtained by the City, including but not limited
23 to any email instructions or clarifications related to the use of the forms.

24 [notices]

25 27. One copy of each notice (an all versions of said notice) used by the
26 CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and
27 Clean Harbors, related to ENCAMPMENT CLEANUPS;
28

1 28. All instructions, manuals, training materials and policies related to
2 any notice used by the CITY or any of its contractors or subcontractors, including
3 Chrysalis, LAHSA, and Clean Harbors that is related to ENCAMPMENT
4 CLEANUPS;

5 29. All COMMUNICATIONS related to the use of notices used by the
6 CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and
7 Clean Harbors, that are related to ENCAMPMENT CLEANUPS, including but not
8 limited to any email instructions or clarifications related to the use of the notices.

9 30. All records documenting the posting of notices for ENCAMPMENT
10 CLEANUPS, including but not limited to "survey/postings" records created by LA
11 Sanitation;

12 31. All data contained within the database used to generate the Health
13 Hazard Assessment Reports by LA Sanitation, Environmental Enforcement;

14 32. All data contained within the Online Encampment Authorization
15 database;

16 33. All HOPE/Rapid Response 56.11 Enforcement Reports and related
17 DOCUMENTS. This request includes related Health Hazard checklists, HOPE
18 Metrics sheets, photographs, and other DOCUMENTS related to these reports.

19 34. All Health Hazard Assessment Reports and related documents created
20 by LA Sanitation to document ENCAMPMENT CLEANUPS. This includes but is
21 not limited to Health Hazard checklists, Metrics sheets, photographs, and other
22 DOCUMENTS related to these reports.

23 35. All reports, summaries, statistics, analysis or data compilations
24 related to ENCAMPMENT CLEANUPS;

25 36. All reports, summaries, statistics, analysis or data compilations
26 related to the enforcement of LAMC 56.11;
27
28

1 37. All personal property chain of custody forms, used to in relation to
2 property seized during ENCAMPMENT CLEANUPS;

3 38. All Government Tort Claims filed against the CITY related to the
4 seizure and/or destruction of homeless people's belongings;

5 39. All complaints or grievances filed against the CITY, including the
6 LAPD, related to the seizure and/or destruction of homeless people's belongings;

7 40. All police reports filed regarding seizure and/or destruction of
8 homeless people's belongings by the CITY, including by the LAPD or LA
9 Sanitation;

10 41. All DOCUMENTS related to any investigation, response or
11 COMMUNICATION regarding or related to any complaint, police report or
12 grievance filed with the CITY regarding seizure and/or destruction of homeless
13 people's belongings by the CITY, including the LAPD or LA Sanitation;

14 42. All DOCUMENTS that identify the location of any STORAGE
15 FACILITY;

16 43. All DOCUMENTS that identify the CITY's capacity to store property
17 seized pursuant to LAMC 56.11 or as part of an ENCAMPMENT CLEANUP,
18 including but not limited to any documents that discuss the number of storage
19 spaces/bins/containers available to store property, or the need for additional
20 capacity;

21 44. All DOCUMENTS that identify or discuss any change in the CITY's
22 capacity to store property seized pursuant to LAMC 56.11 or as part of
23 ENCAMPMENT CLEANUPS, including but not limited to any documents that
24 discuss any increase/decrease in the number of STORAGE FACILITIES or change
25 in capacity of existing STORAGE FACILITIES;

26 45. All statistics, reports, analysis, or data compilations related to the use
27 or capacity of STORAGE FACILITIES;
28

1 46. All DOCUMENTS that show how much property has been stored at
2 STORAGE FACILITIES;

3 47. All DOCUMENTS that track or document when, where, what, and/or
4 how much property is taken or seized by the CITY pursuant to LAMC 56.11;

5 48. All DOCUMENTS that track or document when, where, what, and/or
6 how much property that is taken or seized pursuant to LAMC 56.11 is stored;

7 49. All DOCUMENTS that track or document when, where, what, how
8 much, and by whom property that is stored in STORAGE FACILITIES has been
9 retrieved or destroyed;
10

11
12 Dated: October 16, 2019

Legal Aid Foundation of Los Angeles,
Schonbrun Seplow Harris & Hoffman, LLP
Kirkland & Ellis, LLP

13
14
15
16 By: 

Shayla Myers
Attorneys for Plaintiff, Ali El Bey
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1550 w. 8th St., Los Angeles CA 90017.

On October 16, 2019 I served the within:

**PLAINTIFF ALI EL BEY'S REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT CITY OF LOS ANGELES – SET ONE**

on the interested parties in this action:

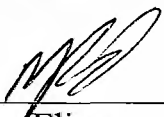
☐ By Email: Personally transmitting the document(s) via electronic service to the e-mail addresses set forth below on this date.

(SEE ATTACHED MAILING SERVICE LIST)

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☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 16, 2019 at Los Angeles, California.



Morena Elias

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EXHIBIT B

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Janet Garcia, et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity,

Defendant.

CASE NO.: 2:19-CV-6182-DSF-PLA
[Assigned to the Hon. Dale S. Fischer]

**DEFENDANT CITY OF LOS
ANGELES' RESPONSES AND
OBJECTIONS TO PLAINTIFF ALI
EL BEY'S REQUESTS FOR
PRODUCTION OF DOCUMENTS –
SET ONE**

RESPONDING PARTY : Defendant CITY OF LOS ANGELES

PROPOUNDING PARTY: Plaintiff ALI EL BEY

SET NUMBER: One

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Central District of California Local Rule 34-2, Defendant City of Los Angeles (“Defendant” or “City”) responds and objects to Plaintiff Ali El Bey (“Plaintiff”) Requests for Production of Document – Set One, as follows:

PRELIMINARY STATEMENT

Defendant makes this response to Plaintiff’s Requests for Production of Documents solely for the purpose of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, privilege, privacy, proprietary information, trade secrets and the like, and any and all other objections on grounds that would require the exclusion of any response herein if such were offered in court, all of which objections and grounds are reserved and may be interposed at the time of trial.

The identification of any document by Defendant should not constitute a waiver of its rights to assert a privilege or objection as to any other document and right to withhold the production thereof. The fact that a document is identified should not be taken as a concession of Defendant’s right to withhold any other document pursuant to an appropriate claim of privilege or objection, nor is a concession or waiver of said rights to be implied or inferred by propounding party.

No incidental or implied admissions are intended in these responses. The fact that Defendant has responded to any or all of any demand should not be taken as an admission that Defendant accepts or admits the existence of any facts set forth or assumed by such demand or that such response constitutes admissible evidence. The fact that Defendant has responded to any or all of any demand is not intended to and shall not be construed to be a waiver by Defendant of all or any part of any objection to any demand.

Defendant has not completed (a) investigation of the facts relating to this case, (b) discovery in this action, or (c) preparation for trial. The following responses are based upon information known at this time and are given without prejudice to provide and use any subsequently discovered information at trial.

1 This preliminary statement is incorporated herein by reference to each of the
2 responses below as if stated in full.

3 **GENERAL OBJECTIONS**

4 Defendant makes the following general objections to each Request propounded by
5 Plaintiff:

6 Defendant objects to each and every Request insofar as said Request seeks the
7 disclosure of communications or information protected by the attorney-client privilege,
8 the attorney work product doctrine, the official information privilege or any other
9 privilege. Plaintiff's Requests seek interpretation of the significance of documents as
10 they apply to legal and factual issues of this case. This information is part of the work
11 product of Defendant and its attorneys of record with regard to this litigation and
12 therefore is privileged and undiscoverable. Plaintiff is presumably capable of
13 determining which documents relate to special factual and legal issues and consequently
14 any attempt by Plaintiff to require Defendant and its attorneys to prepare Plaintiff's case.
15 Defendant hereby claims such privileges and to the extent that Defendant inadvertently
16 provides information that may arguably be protected from discovery under the attorney-
17 client privilege or the work product doctrine, such inadvertent disclosure does not
18 constitute a waiver of any such privilege or doctrine.

19 Defendant objects to each and every Request insofar as it seeks identification of all
20 persons having knowledge of the information requested in the demand or the facts
21 referred to in the response thereto, on the grounds that such information would
22 necessarily be incomplete. Individuals having knowledge of specific facts with respect to
23 specific demands may be named in the files and documents referred to by Defendant in
24 its responses to said Requests.

25 Defendant objects to each and every Request insofar as it seeks identification of all
26 writings which support the facts provided in responses to that demand on the grounds that
27 providing such information would be unduly burdensome and oppressive. Defendant has
28 made available for inspection and copying, the project files relating to the contract which

1 is the subject of this litigation. To identify each and every document which relates to any
2 given issue in this complex litigation would require the Defendant to make a compilation,
3 abstract, audit or summary of its business records and such a compilation, abstract, audit
4 or summary does not exist. Therefore Defendant refers Plaintiff to Defendant's business
5 records and files which have been referenced in individual Request responses.

6 Except for the references to specific documents in the text of the individual
7 answers, Defendant has not attempted to specify each individual demand to which each
8 document is relevant. Most of the documents relate to more than one of the individual
9 demands due to the overlapping of the subject matter of the demands and documents.
10 The relevance of each document to the various issues addressed by these demands is
11 apparent from the contents of each document. Defendant declines to list specific
12 documents which relate to particular problems for the following reasons:

13 a. Such a designation would be unduly burdensome and oppressive in that it
14 would require Defendant to make a compilation, abstract audit or summary of its
15 voluminous business records related to the subject of this litigation herein and such a
16 compilation, abstract, audit or summary does not now exist. On this ground, Defendant
17 refers Plaintiffs to Defendant's files and records which have been made available to
18 Plaintiffs for inspection and copying.

19 b. The analysis of Defendant's documents and files and the interpretation of the
20 significance of each specific document as it applies to the legal and factual issues of this
21 case are part of the work product of Defendant and its attorneys with regard to this
22 litigation and therefore not subject to discovery at this time. Defendant and its attorneys
23 of record are presumably equally capable of determining which documents relate to
24 specific legal and factual issues and any attempt to require Defendant to require
25 Defendant to make and disclose such analysis is an improper attempt by Plaintiffs to
26 require Defendant and its attorneys to prepare Plaintiff's case.

27 c. Defendant's responses do not attempt to identify or designate any documents
28 of any other parties to this action, including the inquiring party, which supports the facts

1 offered by Defendant in support of its responses with the exception of those documents
2 which are contained in Defendant's own files and records related to the project.
3 Defendant is informed and believes that many of the documents which Defendant is still
4 in the process of discovering and analyzing will support Defendant's contention in this
5 lawsuit and Defendant reserves the right to relay on any such documents in support of its
6 contentions.

7 Defendant objects to each and every Request insofar as the Requests are vague,
8 ambiguous, overly broad, unduly burdensome, oppressive, harassing, and seek
9 information and documents not relevant the subject matter of the pending action.

10 Defendant objects to each and every Request insofar as the Requests are not
11 proportional to the needs of the pending action, considering the importance of the issues
12 at stake in the action, the amount in controversy, the parties' relative access to
13 information, the parties' resources, the importance of discovery in resolving the issues,
14 and whether there the burden or expense of the proposed discovery outweighs its likely
15 benefits.

16 Defendant objects to each and every Request insofar as the Requests seek private
17 and confidential information protected from disclosure under the U.S. and California
18 Constitution and privacy laws.

19 Defendant objects to each and every Request insofar as said Request seeks to
20 impose obligations upon Defendant not required by the Federal Rules of Civil Procedure
21 or the Local Rules of the Central District of California. Defendant will not comply with
22 any part of these Requests which impose obligations upon Defendant not required by
23 such rules.

24 These General Objections shall be deemed incorporated into each and every
25 specific response below.
26
27
28

1 **RESERVATION OF RIGHT TO SUPPLEMENT OR MODIFY RESPONSES**

2 Defendant reserves the right to supplement, modify, or correct its responses and
3 objections to the Requests, or any part of them, as Defendant acquires additional
4 information in the course of its investigation and discovery in this action.

5 **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS**

6 Without waiving or limiting in any manner any of the foregoing General
7 Objections, but rather incorporating them into each of the following responses to the
8 extent applicable, Defendant responds to the specific Requests of Plaintiff El-Bey's
9 Requests for Production, Set One, as follows:

10 **REQUEST FOR PRODUCTION NO. 1:**

11 All DOCUMENTS that refer to or relate to any of the individual plaintiffs in this
12 action.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
16 Bey's specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC")
17 for incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on
18 or around June 4, 2019 at Oakwood and Western insofar as the Request seeks documents
19 relating to other individual plaintiffs. Defendant objects that the Request is overbroad to
20 the extent that it seeks documents relating to any individual plaintiff other than Plaintiff
21 El-Bey. Defendant objects to the Request to the extent it calls for production of
22 confidential information, such as criminal records, referencing third parties or involving
23 other individual plaintiffs. Defendant objects to the Request to the extent the Request
24 seeks information protected from disclosure by the attorney-client privilege and or
25 attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
26 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
27 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
28 Sep. 9, 2013). Defendant objects that the Request is not proportional to the needs of the

1 case, insofar as the burden or expense of searching for and producing any such proposed
2 discovery outweighs the benefit of such information for Plaintiff El Bey's specific claims
3 alleged in the SAC. Subject to and without waiving these objections, Defendant responds
4 as follows: Defendant previously produced non-privileged documents responsive to this
5 Request and will produce additional non-privileged, responsive documents, if any,
6 relating to Plaintiff El-Bey in Defendant's possession, custody or control.

7 **REQUEST FOR PRODUCTION NO. 2:**

8 All DOCUMENTS that refer or relate to ENCAMPMENT CLEANUPS conducted
9 in the following areas between January 1, 2018 and the present:

- 10 a. Between 8th St. and 5th St. to the North and South, and Mariposa and
11 Hobart, to the East and West;
12 b. Aetna St., between Van Nuys Blvd. and Hazeltine Ave.;
13 c. Between Aetna and Delano St. to the North and South, and Kester
14 Ave., and Van Nuys Blvd to the East and West;
15 d. Figueroa, between 51st and 55th St.;
16 e. Lomita Blvd. between Figueroa and Vermont, and McCoy St.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

18 Defendant incorporates the General Objections as though fully set forth here.
19 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
20 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
21 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
22 and Western. Defendant further objects that the Request seeks documents that are not
23 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
24 Ktown for All's ("KFA") claims seeking any declaration that the City unconstitutionally
25 applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65
26 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling
27 that the City's policies and practices are unconstitutional and not that each past
28 application of those policies and practices to its members was unconstitutional.").

1 Defendant also objects that the proposed discovery is not relevant to
2 establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7
3 (accepting plaintiffs’ argument that “it need only raise a single incident ... to hold the
4 City liable under *Monell*.”). Defendant objects that the Request is overbroad and
5 burdensome in seeking documents regarding encampment cleanups dating back two years
6 and eight months that are unrelated, and not relevant, to Plaintiff El Bey’s specific claims
7 alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks
8 information protected from disclosure by the attorney-client privilege and or attorney
9 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
10 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
11 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

12 Defendant further objects that the Request is burdensome and not proportional to
13 the needs of the case, insofar as the burden of searching for and producing any such
14 proposed discovery outweighs the benefit of such information for Plaintiff El Bey’s
15 claims and Defendant’s costs or expense in conducting the search and producing
16 documents greatly exceeds the amount in controversy for Plaintiff’s alleged damages.

17 Specifically, in order to search for and obtain documents responsive to the
18 Request, Defendant would need to search the City’s Bureau of Sanitation (“LASAN”)
19 Watershed Protection Information Management System (“WPIMS”) to identify all
20 incidents constituting “encampment cleanups” as defined in the Request. Defendant
21 identified 32,730 incidents within WPIMS constituting “encampment cleanups” as
22 defined in the Request for the period from January 1, 2018 to July 31, 2020. Defendant
23 would have to conduct a query and search parameters within WPIMS to generate a report
24 identifying all 32,730 incidents by the address listed for the encampment cleanup, date,
25 and incident/case number. Defendant would then have to manually review the addresses
26 identified within the report to confirm which addresses fall within the location areas
27 identified in subsections (a)-(e) of the Request. Defendant would then need to identify
28 each incident/case number falling within these geographical locations to collect

documents relating to each identified encampment cleanup. For each identified incident number, Defendant would need to generate reports within WPIMS for the encampment cleanup, and collect associated health hazard checklists. Defendant would then have to conduct additional searches for encampment cleanup pictures and media files by incident number that are not stored on WPIMS. The number of pictures associated with an encampment cleanup could exceed over 700 pictures for one incident report. Defendant would also have to manually search for, collect, and assemble related documents by incident number, including any posting surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and cleanup authorizations maintained in LASAN's Authorization Management System ("AMS"). In addition, upon identifying specified incident/case numbers for responsive encampment cleanups, Defendant would then have to conduct searches for potentially responsive LAPD records for any incidents involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau, including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD) Reports. In addition, Defendant would have to search for LAPD body worn video that may exist for identified incidents involving LAPD HOPE Officers and review such video for responsiveness to the Request. Defendant previously conducted a search for and produced such incident-specific documents for the named individual plaintiffs' specific incidents at CITY00001-2677.

Defendant would also need to search for potentially responsive documents or information for encampment cleanups as defined in the Request that may be maintained within LASAN's Customer Service Group's MyLA database for service requests. Defendant would have to conduct a search parameter for service requests relating to encampment cleanups as defined in the Request for the period from January 1, 2018 to the present and generate a report identifying service requests for defined encampment cleanups by location address and date range. Defendant would then need an analyst to manually review MyLA data and cross-reference incident/case numbers,

1 addresses, and dates identified by Defendant's WPIMS query to determine potentially
2 corresponding service requests for identified encampment cleanups. Defendant would
3 then have to prepare a separate report containing identified service requests within the
4 MyLA database corresponding to identified WPIMS incident/case numbers for
5 encampment cleanups. In addition, for cleanups occurring after October 2019, Defendant
6 would have to conduct searches for potentially responsive documents within the City's
7 daily schedules issued for CARE and CARE+ operations by reviewing schedules and
8 cross referencing the schedules with identified incident/case numbers, dates, and
9 locations. Defendant objects that the Request seeks documents that are not reasonably
10 accessible based on the undue burden and costs associated with searching for and
11 producing documents responsive to this Request for the reasons described
12 above. Without waiving any, and based on these, objections, no documents will be
13 produced in response to this Request.

14 **REQUEST FOR PRODUCTION NO. 3:**

15 Job descriptions for each category of CITY employee that is routinely assigned to
16 participate in ENCAMPMENT CLEANUPS, including but not limited to LA Sanitation
17 employees and LAPD HOPE Team members.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Defendant incorporates the General Objections as though fully set forth here.
20 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
21 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
22 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
23 and Western. Defendant objects that the Request is overbroad in seeking documents
24 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
25 occurred. Defendant objects that the Request is not proportional to the needs of the case,
26 insofar as the burden or expense of searching for and producing documents dating back to
27 April 2016, three years before the specific alleged incidents occurred, outweighs the
28 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.

1 Subject to and without waiving these objections, Defendant will produce organizational
2 charts for LASAN's Solid Resources Division, Livability Services Division and LAPD's
3 HOPE Bureaus and Homeless Coordinator identifying employee classifications and
4 corresponding job descriptions responsive to this Request.

5 **REQUEST FOR PRODUCTION NO. 4:**

6 Job descriptions for each category of CITY employee that is assigned to the
7 Unified Homeless Response Center (UHRC).

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

9 Defendant incorporates the General Objections as though fully set forth here.
10 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
11 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
12 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
13 and Western. Defendant objects that the Request is overbroad in seeking documents
14 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
15 occurred. Defendant objects that the Request is not proportional to the needs of the case,
16 insofar as the burden or expense of searching for and producing documents dating back to
17 April 2016, three years before the specific alleged incidents occurred, outweighs the
18 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
19 Subject to and without waiving these objections, Defendant conducted a search for
20 accessible documents and will produce non-privileged documents responsive to this
21 Request, if any, found in Defendant's possession, custody, or control.

22 **REQUEST FOR PRODUCTION NO. 5:**

23 One copy of each version of the organizational chart for LA SANITATION.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

25 Defendant incorporates the General Objections as though fully set forth here.
26 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
27 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
28 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood

1 and Western. Defendant objects that the Request is overbroad in seeking documents
2 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
3 occurred. Defendant objects that the Request is overbroad in seeking organizational
4 charts for all LASAN Divisions. Defendant objects that the Request is not proportional
5 to the needs of the case, insofar as the burden or expense of searching for and producing
6 organization charts for all LASAN Divisions dating back to April 2016, three years
7 before the specific alleged incidents occurred, outweighs the benefit of such discovery to
8 Plaintiff El Bey's specific claims alleged in the SAC. Subject to and without waiving
9 these objections, Defendant will produce organizational charts for LASAN's Solid
10 Resources Division and Livability Services Division responsive to this Request.

11 **REQUEST FOR PRODUCTION NO. 6:**

12 One copy of each version of the organizational chart for LAPD.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
16 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
17 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
18 and Western. Defendant objects that the Request is overbroad in seeking documents
19 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
20 occurred. Defendant objects that the Request is overbroad in seeking organizational
21 charts for all LAPD Divisions. Defendant objects that the Request is not proportional to
22 the needs of the case, insofar as the burden or expense of searching for and producing
23 organization charts for all LAPD division dating back to April 2016, three years before
24 the specific alleged incidents occurred, outweighs the benefit of such discovery to
25 Plaintiff El Bey's specific claims alleged in the SAC. Subject to and without waiving
26 these objections, Defendant will produce organizational charts for LAPD, LAPD's
27 Homeless Coordinator, and LAPD's HOPE Bureaus responsive to this Request.

1 **REQUEST FOR PRODUCTION NO. 7:**

2 One copy of each version of any organizational chart that exists for the Unified
3 Homeless Response Center (UHRC).

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

5 Defendant incorporates the General Objections as though fully set forth here.
6 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
7 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
8 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
9 and Western. Defendant objects that the Request is overbroad in seeking documents
10 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
11 occurred. Defendant objects that the Request is not proportional to the needs of the case,
12 insofar as the burden or expense of searching for and producing organization charts
13 dating back to April 2016, three years before the specific alleged incidents occurred,
14 outweighs the benefit of such discovery to Plaintiff El Bey's specific claims alleged in
15 the SAC. Subject to and without waiving these objections, Defendant conducted a search
16 for accessible documents and will produce an organization chart for the UHRC
17 responsive to this Request, if any, found in Defendant's possession, custody, or control.

18 **REQUEST FOR PRODUCTION NO. 8:**

19 Any roster, employee list, distribution list, directory, or other
20 DOCUMENTATION that identifies the names and job titles of each employee of the
21 CITY assigned to the UHRC.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

23 Defendant incorporates the General Objections as though fully set forth here.
24 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
25 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
26 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
27 and Western. Defendant objects that the Request is overbroad in seeking documents
28 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents

1 occurred. Defendant objects that the Request is not proportional to the needs of the case,
2 insofar as the burden or expense of searching for and producing documents dating back to
3 April 2016, three years before the specific alleged incidents occurred, outweighs the
4 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
5 Subject to and without waiving these objections, Defendant conducted a search for
6 accessible documents and will produce an organization chart for the UHRC responsive to
7 this Request, if any, found in Defendant's possession, custody, or control.

8 **REQUEST FOR PRODUCTION NO. 9:**

9 One copy of each contract (including all exhibits, addenda, attachments, and any
10 other document incorporated by reference into said contract) between the CITY and
11 Clean Harbors or any other contractor or subcontractor that participates in
12 ENCAMPMENT CLEANUPS.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
16 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
17 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
18 and Western. Defendant further objects that the Request seeks documents that are not
19 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
20 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
21 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
22 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
23 City's policies and practices are unconstitutional and not that each past application of
24 those policies and practices to its members was unconstitutional."). Defendant also
25 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
26 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
27 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
28 that the Request is overbroad in seeking all contracts with Clean Harbors or any other

1 contractors dating back to April 2016, three years before the specific alleged incidents
2 occurred. Defendant further objects that Request is not proportional to the needs of the
3 case, insofar as the burden or expense of searching for and producing contracts with
4 Clean Harbors or any other contractor dating back to April 2016 outweighs the benefit of
5 such irrelevant discovery to Plaintiff El Bey's specific claims alleged in the SAC.
6 Without waiving any, and based on these objections, no documents will be produced in
7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 10:**

9 One copy of each contract (including all exhibits, addenda, attachments, and any
10 other document incorporated by reference into said contract) between the CITY and
11 Chrysalis or any other contractor or subcontractor that stores property taken, seized or
12 otherwise obtained by the CITY or otherwise participates in the operation or management
13 of any STORAGE FACILITY.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
17 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
18 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
19 and Western. Defendant objects that the Request is overbroad in seeking documents
20 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
21 occurred. Defendant objects that the Request is not proportional to the needs of the case,
22 insofar as the burden or expense of searching for and producing documents dating back to
23 April 2016, three years before the specific alleged incidents occurred, outweighs the
24 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
25 Subject to and without waiving these objections, Defendant conducted a search for
26 accessible documents and will produce a copy of a contract or contracts between the City
27 and Chrysalis relating to storage facilities and in effect at the time of the alleged incidents
28 found in Defendant's possession, custody, or control.

1 **REQUEST FOR PRODUCTION NO. 11:**

2 All policies, procedures, directives, manuals, bulletins, and special orders, related
3 to conducting ENCAMPMENT CLEANUPS, including but not limited to the seizure or
4 destruction of property belonging to homeless people.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

6 Defendant incorporates the General Objections as though fully set forth here.
7 Defendant objects that the Request is overbroad in seeking documents dating back to
8 April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in
9 the SAC. Defendant objects that the Request is not proportional to the needs of the case,
10 insofar as the burden or expense of searching for and producing documents dating back to
11 April 2016, three years before the specific alleged incidents occurred, outweighs the
12 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
13 Subject to and without waiving these objections, Defendant responds as follows:
14 Defendant previously produced documents responsive to this Request and will produce
15 additional responsive documents in Defendant's possession, custody or control.

16 **REQUEST FOR PRODUCTION NO. 12:**

17 All policies, procedures, directives, manuals, and special orders related to LAMC
18 56.11, including but not limited to the handling of people's belongings pursuant to
19 LAMC 56.11.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

21 Defendant incorporates the General Objections as though fully set forth here.
22 Defendant objects that the Request is overbroad in seeking documents dating back to
23 April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in
24 the SAC. Defendant objects that the Request is not proportional to the needs of the case,
25 insofar as the burden or expense of searching for and producing documents dating back to
26 April 2016, three years before the specific alleged incidents occurred, outweighs the
27 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
28 Subject to and without waiving these objections, Defendant responds as follows:

1 Defendant previously produced documents responsive to this Request and will produce
2 additional responsive documents in Defendant's possession, custody or control.

3 **REQUEST FOR PRODUCTION NO. 13:**

4 All policies, procedures, directives, manuals, bulletins, and special orders, related
5 to storage of property pursuant to LAMC 56.11.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

7 Defendant incorporates the General Objections as though fully set forth here.
8 Defendant objects that the Request is overbroad in seeking documents dating back to
9 April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in
10 the SAC. Defendant objects that the Request is not proportional to the needs of the case,
11 insofar as the burden or expense of searching for and producing documents dating back to
12 April 2016, three years before the specific alleged incidents occurred, outweighs the
13 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
14 Subject to and without waiving these objections, Defendant responds as follows:
15 Defendant previously produced documents responsive to this Request and will produce
16 additional responsive documents in Defendant's possession, custody or control.

17 **REQUEST FOR PRODUCTION NO. 14:**

18 All policies, procedures, directives, manuals, bulletins, and special orders, related
19 to HOPE Teams.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

21 Defendant incorporates the General Objections as though fully set forth here.
22 Defendant objects that the Request is overbroad in seeking documents dating back to
23 April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in
24 the SAC. Defendant objects that the Request is not proportional to the needs of the case,
25 insofar as the burden or expense of searching for and producing documents dating back to
26 April 2016, three years before the specific alleged incidents occurred, outweighs the
27 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
28 Subject to and without waiving these objections, Defendant responds as follows:

1 Defendant previously produced documents responsive to this Request and will produce
2 additional responsive documents in Defendant's possession, custody or control.

3 **REQUEST FOR PRODUCTION NO. 15:**

4 All policies, procedures, directives, manuals, bulletins, and special orders, related
5 to the seizure or destruction of property because it constitutes an "immediate threat to the
6 health and safety of the public".

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

8 Defendant incorporates the General Objections as though fully set forth here.
9 Defendant objects that the Request is overbroad in seeking documents dating back to
10 April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in
11 the SAC. Defendant objects that the Request is not proportional to the needs of the case,
12 insofar as the burden or expense of searching for and producing documents dating back to
13 April 2016, three years before the specific alleged incidents occurred, outweighs the
14 benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC.
15 Subject to and without waiving these objections, Defendant responds as follows:
16 Defendant previously produced documents responsive to this Request and will produce
17 additional responsive documents in Defendant's possession, custody or control.

18 **REQUEST FOR PRODUCTION NO. 16:**

19 All DOCUMENTS related to trainings conducted by or for CITY employees,
20 agents, or contractors regarding LAMC 56.11, including but not limited to the seizure,
21 destruction, or storage of property pursuant to LAMC 56.11. Requested materials
22 include but are not limited to any flyers, email communications promoting, announcing
23 or otherwise describing the trainings; calendar invitations for any trainings; attendance or
24 sign-in sheets for any and all trainings; training materials, including but not limited to
25 presentations, handouts, and manuals; presenter's notes; and notes taken by participants.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

27 Defendant incorporates the General Objections as though fully set forth here.
28 Defendant objects that the Request is overbroad and burdensome in seeking all

documents regarding trainings, including all email communications, calendar invites, and notes taken by participants or presenters, all sign in sheets, and flyers relating to training dating back to April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all documents regarding trainings, including all email communications, calendar invites, and notes taken by participants or presenters, sign-in sheets, and flyers relating to training dating back to April 2016 outweighs the benefit of such information for Plaintiff El Bey's claims, and

1 Defendant's costs or expense in conducting the search and producing documents greatly
2 exceeds the amount in controversy for Plaintiff's alleged damages.

3 Specifically, in order to search for and obtain documents responsive to the
4 Request, Defendant would have to first search for all trainings and determine when such
5 trainings occurred over a four-year period. Defendant would then have to investigate the
6 identify of the instructor for each training and whether such training included a sign-in
7 sheet, a list of participants, the identify of participants and instructor(s) for each training
8 to conduct follow up searches regarding available notes and materials, and conduct
9 searches for calendar invites and promotional emails or flyers for each training.

10 Defendant uses an email system known as CityMail that is based on an
11 implementation of Google Apps Premier Edition and is used by nearly every City entity,
12 including 40 different departments. Defendant's CityMail system uses the Google Vault
13 system for archiving emails. Google Vault is a cloud-based data storage system; rather
14 than being stored on locally managed servers, the archived email data is stored on remote
15 servers that are managed by Google, Inc. and are only accessible to Defendant's office
16 via the internet. In order to search the email archives, Defendant's Information
17 Technology Agency ("ITA") must formulate a search query utilizing the search terms and
18 restrictions provided by the requester. Depending on the number and complexity of
19 search terms, the number of email accounts or document custodians, and the breadth of
20 the search, ITA may need to formulate more than one search query and scan the stored
21 data multiple times. When the search completes, Google Vault provides preliminary
22 information regarding the email data gathered by the search. In order to access the actual
23 emails, however, the entire store of data must first be exported from the cloud-servers to
24 a different "download" server to which ITA can connect via the internet and from which
25 we can then download the data. Depending on the size of the data, the download process
26 the most time-consuming part of gathering the email data. Even when ITA allocates
27 multiple personnel to conduct search queries in order to speed up the archived email
28 search and collection process, ITA is still limited by the speeds at which the data can be

1 transferred from the download server to Defendant's local data storage devices. As
2 downloads of batches of data become available, ITA begins the process of identifying the
3 email addresses that accompany the data against the list of individuals identified in the
4 data request and thereafter segregates the email stores of matching individuals. ITA
5 would also identify and screen emails of City Attorneys begin the process of identifying
6 and screening-out the emails of city attorneys and may need to conduct subsequent
7 queries to screen out attorneys for purposes of compiling a list of excluded emails for a
8 privilege log.

9 In addition, Defendant would need to determine whether a City department utilizes
10 systems-based network servers that may include network folders used to store or maintain
11 documents within a particular division or department section. In order to retrieve
12 systems-based server folders for review, Defendant would require a technology
13 professional who has administrator privileges to make a copy of the drive(s), which can
14 range in size by terabytes of data. In order to search certain folders on system-based
15 network drives, a technology professional who has administrator privileges, would use
16 the Microsoft Windows File Explorer search function, the limited search function
17 available by default on Windows. The limited search capabilities of the Windows File
18 Explorer search tool may not be able to accommodate full searches within documents or
19 Boolean searches. The resulting hits might include systems files, applications,
20 downloads, or media which may or may not be viewable. After Defendant has conducted
21 searches for electronically stored information, Defendant would require the use of an e-
22 discovery software and platform for Defendant's counsel to review, search, and tag
23 documents and electronically stored information for responsiveness or privilege.

24 Defendant objects that the Request seeks documents that are not reasonably
25 accessible based on the undue burden and costs associated with searching for and
26 producing documents and electronically stored information responsive to this Request for
27 the reasons described above. Defendant also objects that discovery regarding the training
28 of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained

1 through other means that are less burdensome, less costly, and more convenient. Without
2 waiving any, and based on these objections, Defendant responds that it conducted a
3 search for accessible documents in response to this Request and will produce non-
4 privileged LAMC 56.11 documents relating to training materials in the form maintained
5 in the Defendant's ordinary course.

6 **REQUEST FOR PRODUCTION NO. 17:**

7 All DOCUMENTS related to trainings conducted by or for CITY employees,
8 agents, or contractors regarding ENCAMPMENT CLEANUPS, including but not limited
9 to the seizure, destruction, or storage of property. Requested materials include but are
10 not limited to any flyers, email communications promoting, announcing or otherwise
11 describing the trainings; calendar invitations for the trainings; attendance or sign-in sheets
12 for any and all trainings; training materials, including but not limited to presentations,
13 handouts, and manuals; presenter's notes; and notes taken by participants.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Defendant objects that the Request is overbroad and burdensome in seeking all
17 documents regarding trainings, including all email communications, calendar invites, and
18 notes taken by participants or presenters, all sign in sheets, and flyers relating to training
19 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
20 occurred as alleged in the SAC. Defendant objects that the Request seeks documents that
21 are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to
22 incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or
23 around June 4, 2019 at Oakwood and Western. Defendant further objects that the
24 Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged
25 in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the
26 City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's
27 members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking
28 only to obtain a ruling that the City's policies and practices are unconstitutional and not

1 that each past application of those policies and practices to its members was
2 unconstitutional.”). Defendant also objects that the proposed discovery is not relevant to
3 establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7
4 (accepting plaintiffs’ argument that “it need only raise a single incident ... to hold the
5 City liable under *Monell*.”). Defendant also objects to the Request to the extent the
6 Request seeks information protected from disclosure by the attorney-client privilege and
7 or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
8 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
9 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
10 Sep. 9, 2013).

11 Defendant further objects that the Request is burdensome and not proportional to
12 the needs of the case, insofar as the burden of searching for and producing all documents
13 regarding trainings, including all email communications, calendar invites, and notes taken
14 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
15 April 2016 outweighs the benefit of such information for Plaintiff El Bey’s claims, and
16 Defendant’s costs or expense in conducting the search and producing documents greatly
17 exceeds the amount in controversy for Plaintiff’s alleged damages.

18 Specifically, in order to search for and obtain documents responsive to the
19 Request, Defendant would have to first search for all trainings and determine when such
20 trainings occurred over a four-year period. Defendant would then have to investigate the
21 identity of the instructor for each training and whether such training included a sign-in
22 sheet, a list of participants, the identify of participants and instructor(s) for each training
23 to conduct follow up searches regarding available notes and materials, and conduct
24 searches for calendar invites and promotional emails or flyers for each training.

25 Defendant uses an email system known as CityMail that is based on an
26 implementation of Google Apps Premier Edition and is used by nearly every City entity,
27 including 40 different departments. Defendant’s CityMail system uses the Google Vault
28 system for archiving emails. Google Vault is a cloud-based data storage system; rather

1 than being stored on locally managed servers, the archived email data is stored on remote
2 servers that are managed by Google, Inc. and are only accessible to Defendant's office
3 via the internet. In order to search the email archives, Defendant's ITA must formulate a
4 search query utilizing the search terms and restrictions provided by the requester.
5 Depending on the number and complexity of search terms, the number of email accounts
6 or document custodians, and the breadth of the search, ITA may need to formulate more
7 than one search query and scan the stored data multiple times. When the search
8 completes, Google Vault provides preliminary information regarding the email data
9 gathered by the search. In order to access the actual emails, however, the entire store of
10 data must first be exported from the cloud-servers to a different "download" server to
11 which ITA can connect via the internet and from which we can then download the data.
12 Depending on the size of the data, the download process the most time-consuming part of
13 gathering the email data. Even when ITA allocates multiple personnel to conduct search
14 queries in order to speed up the archived email search and collection process, ITA is still
15 limited by the speeds at which the data can be transferred from the download server to
16 Defendant's local data storage devices. As downloads of batches of data become
17 available, ITA begins the process of identifying the email addresses that accompany the
18 data against the list of individuals identified in the data request and thereafter segregates
19 the email stores of matching individuals. ITA would also identify and screen emails of
20 City Attorneys begin the process of identifying and screening-out the emails of city
21 attorneys and may need to conduct subsequent queries to screen out attorneys for
22 purposes of compiling a list of excluded emails for a privilege log.

23 In addition, Defendant would need to determine whether a City department utilizes
24 systems-based network servers that may include network folders used to store or maintain
25 documents within a particular division or department section. In order to retrieve
26 systems-based server folders for review, Defendant would require a technology
27 professional who has administrator privileges to make a copy of the drive(s), which can
28 range in size by terabytes of data. In order to search certain folders on system-based

1 network drives, a technology professional who has administrator privileges, would use
2 the Microsoft Windows File Explorer search function, the limited search function
3 available by default on Windows. The limited search capabilities of the Windows File
4 Explorer search tool may not be able to accommodate full searches within documents or
5 Boolean searches. The resulting hits might include systems files, applications,
6 downloads, or media which may or may not be viewable. After Defendant has conducted
7 searches for electronically stored information, Defendant would require the use of an e-
8 discovery software and platform for Defendant's counsel to review, search, and tag
9 documents and electronically stored information for responsiveness or privilege.

10 Defendant objects that the Request seeks documents that are not reasonably
11 accessible based on the undue burden and costs associated with searching for and
12 producing documents and electronically stored information responsive to this Request for
13 the reasons described above. Defendant also objects that discovery regarding the training
14 of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained
15 through other means that are less burdensome, less costly, and more convenient. Without
16 waiving any, and based on these objections, Defendant responds that it conducted a
17 search for accessible documents in response to this Request and will produce non-
18 privileged documents relating to encampment cleanup training materials in the form
19 maintained in the Defendant's ordinary course.

20 **REQUEST FOR PRODUCTION NO. 18:**

21 All DOCUMENTS related to trainings conducted by or for CITY employees,
22 agents, or contractors regarding illegal dumping. Requested materials include but are not
23 limited to any flyers, email communications promoting, announcing or otherwise
24 describing the trainings; calendar invitations for the trainings; attendance or sign-in sheets
25 for any and all trainings; training materials, including but not limited to presentations,
26 handouts, and manuals; presenter's notes; notes taken by participants.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request is overbroad and burdensome in seeking all documents regarding trainings, including all email communications, calendar invites, and notes taken by participants or presenters, all sign in sheets, and flyers relating to training dating back to April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all documents regarding trainings, including all email communications, calendar invites, and notes taken

1 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
2 April 2016 outweighs the benefit of such information for Plaintiff El Bey's claims, and
3 Defendant's costs or expense in conducting the search and producing documents greatly
4 exceeds the amount in controversy for Plaintiff's alleged damages.

5 Specifically, in order to search for and obtain documents responsive to the
6 Request, Defendant would have to first search for all trainings and determine when such
7 trainings occurred over a four-year period. Defendant would then have to investigate the
8 identity of the instructor for each training and whether such training included a sign-in
9 sheet, a list of participants, the identify of participants and instructor(s) for each training
10 to conduct follow up searches regarding available notes and materials, and conduct
11 searches for calendar invites and promotional emails or flyers for each training.

12 Defendant uses an email system known as CityMail that is based on an
13 implementation of Google Apps Premier Edition and is used by nearly every City entity,
14 including 40 different departments. Defendant's CityMail system uses the Google Vault
15 system for archiving emails. Google Vault is a cloud-based data storage system; rather
16 than being stored on locally managed servers, the archived email data is stored on remote
17 servers that are managed by Google, Inc. and are only accessible to Defendant's office
18 via the internet. In order to search the email archives, Defendant's ITA must formulate a
19 search query utilizing the search terms and restrictions provided by the requester.
20 Depending on the number and complexity of search terms, the number of email accounts
21 or document custodians, and the breadth of the search, ITA may need to formulate more
22 than one search query and scan the stored data multiple times. When the search
23 completes, Google Vault provides preliminary information regarding the email data
24 gathered by the search. In order to access the actual emails, however, the entire store of
25 data must first be exported from the cloud-servers to a different "download" server to
26 which ITA can connect via the internet and from which we can then download the data.
27 Depending on the size of the data, the download process the most time-consuming part of
28 gathering the email data. Even when ITA allocates multiple personnel to conduct search

1 queries in order to speed up the archived email search and collection process, ITA is still
2 limited by the speeds at which the data can be transferred from the download server to
3 Defendant's local data storage devices. As downloads of batches of data become
4 available, ITA begins the process of identifying the email addresses that accompany the
5 data against the list of individuals identified in the data request and thereafter segregates
6 the email stores of matching individuals. ITA would also identify and screen emails of
7 City Attorneys begin the process of identifying and screening-out the emails of city
8 attorneys and may need to conduct subsequent queries to screen out attorneys for
9 purposes of compiling a list of excluded emails for a privilege log.

10 In addition, Defendant would need to determine whether a City department utilizes
11 systems-based network servers that may include network folders used to store or maintain
12 documents within a particular division or department section. In order to retrieve
13 systems-based server folders for review, Defendant would require a technology
14 professional who has administrator privileges to make a copy of the drive(s), which can
15 range in size by terabytes of data. In order to search certain folders on system-based
16 network drives, a technology professional who has administrator privileges, would use
17 the Microsoft Windows File Explorer search function, the limited search function
18 available by default on Windows. The limited search capabilities of the Windows File
19 Explorer search tool may not be able to accommodate full searches within documents or
20 Boolean searches. The resulting hits might include systems files, applications,
21 downloads, or media which may or may not be viewable. After Defendant has conducted
22 searches for electronically stored information, Defendant would require the use of an e-
23 discovery software and platform for Defendant's counsel to review, search, and tag
24 documents and electronically stored information for responsiveness or privilege.

25 Defendant objects that the Request seeks documents that are not reasonably
26 accessible based on the undue burden and costs associated with searching for and
27 producing documents and electronically stored information responsive to this Request for
28 the reasons described above. Defendant also objects that discovery regarding the training

1 of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained
2 through other means that are less burdensome, less costly, and more convenient. Without
3 waiving any, and based on these objections, Defendant responds that it conducted a
4 search for accessible documents in response to this Request and will produce non-
5 privileged documents relating to illegal dumping training materials in the form
6 maintained in the Defendant's ordinary course.

7 **REQUEST FOR PRODUCTION NO. 19:**

8 All DOCUMENTS related to trainings conducted by or for CITY employees,
9 agents, or contractors at any time since January 1, 2012 regarding what constitutes "an
10 immediate threat to public health and safety," including but not limited to the seizure,
11 destruction, or storage of property on this basis. Requested materials include but are not
12 limited to any flyers, email communications promoting, announcing or otherwise
13 describing the trainings; calendar invitations for any trainings; attendance or sign-in
14 sheets for any and all trainings; training materials, including but not limited to
15 presentations, handouts, and manuals; presenter's notes; and notes taken by participants.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

17 Defendant incorporates the General Objections as though fully set forth here.
18 Defendant objects that the Request is overbroad and burdensome in seeking all
19 documents regarding trainings, including all email communications, calendar invites, and
20 notes taken by participants or presenters, all sign in sheets, and flyers relating to training
21 dating back to January 1, 2012, seven years before Plaintiff El-Bey's specific incidents
22 occurred as alleged in the SAC. Defendant objects that the Request seeks documents that
23 are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to
24 incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or
25 around June 4, 2019 at Oakwood and Western. Defendant further objects that the
26 Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged
27 in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the
28 City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's

1 members. Dkt. No. 65 at 7 (“[T]he Court interprets KFA’s claims in the SAC as seeking
2 only to obtain a ruling that the City’s policies and practices are unconstitutional and not
3 that each past application of those policies and practices to its members was
4 unconstitutional.”). Defendant also objects that the proposed discovery is not relevant to
5 establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7
6 (accepting plaintiffs’ argument that “it need only raise a single incident ... to hold the
7 City liable under *Monell*.”). Defendant also objects to the Request to the extent the
8 Request seeks information protected from disclosure by the attorney-client privilege and
9 or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
10 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
11 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
12 Sep. 9, 2013).

13 Defendant further objects that the Request is burdensome and not proportional to
14 the needs of the case, insofar as the burden of searching for and producing all documents
15 regarding trainings, including all email communications, calendar invites, and notes taken
16 by participants or presenters, sign-in sheets, and flyers relating to training dating back
17 over seven years to January 1, 2012 outweighs the benefit of such information for
18 Plaintiff El Bey’s claims, and Defendant’s costs or expense in conducting the search and
19 producing documents greatly exceeds the amount in controversy for Plaintiff’s alleged
20 damages.

21 Specifically, in order to search for and obtain documents responsive to the
22 Request, Defendant would have to first search for all trainings and determine when such
23 trainings occurred over a seven-year period. Defendant would then have to investigate
24 the identity of the instructor for each training and whether such training included a sign-
25 in sheet, a list of participants, the identify of participants and instructor(s) for each
26 training to conduct follow up searches regarding available notes and materials, and
27 conduct searches for calendar invites and promotional emails or flyers for each training.
28

1 Defendant uses an email system known as CityMail that is based on an
2 implementation of Google Apps Premier Edition and is used by nearly every City entity,
3 including 40 different departments. Defendant's CityMail system uses the Google Vault
4 system for archiving emails. Google Vault is a cloud-based data storage system; rather
5 than being stored on locally managed servers, the archived email data is stored on remote
6 servers that are managed by Google, Inc. and are only accessible to Defendant's office
7 via the internet. In order to search the email archives, Defendant's ITA must formulate a
8 search query utilizing the search terms and restrictions provided by the requester.
9 Depending on the number and complexity of search terms, the number of email accounts
10 or document custodians, and the breadth of the search, ITA may need to formulate more
11 than one search query and scan the stored data multiple times. When the search
12 completes, Google Vault provides preliminary information regarding the email data
13 gathered by the search. In order to access the actual emails, however, the entire store of
14 data must first be exported from the cloud-servers to a different "download" server to
15 which ITA can connect via the internet and from which we can then download the data.
16 Depending on the size of the data, the download process the most time-consuming part of
17 gathering the email data. Even when ITA allocates multiple personnel to conduct search
18 queries in order to speed up the archived email search and collection process, ITA is still
19 limited by the speeds at which the data can be transferred from the download server to
20 Defendant's local data storage devices. As downloads of batches of data become
21 available, ITA begins the process of identifying the email addresses that accompany the
22 data against the list of individuals identified in the data request and thereafter segregates
23 the email stores of matching individuals. ITA would also identify and screen emails of
24 City Attorneys begin the process of identifying and screening-out the emails of city
25 attorneys and may need to conduct subsequent queries to screen out attorneys for
26 purposes of compiling a list of excluded emails for a privilege log.

27 In addition, Defendant would need to determine whether a City department utilizes
28 systems-based network servers that may include network folders used to store or maintain

1 documents within a particular division or department section. In order to retrieve
2 systems-based server folders for review, Defendant would require a technology
3 professional who has administrator privileges to make a copy of the drive(s), which can
4 range in size by terabytes of data. In order to search certain folders on system-based
5 network drives, a technology professional who has administrator privileges, would use
6 the Microsoft Windows File Explorer search function, the limited search function
7 available by default on Windows. The limited search capabilities of the Windows File
8 Explorer search tool may not be able to accommodate full searches within documents or
9 Boolean searches. The resulting hits might include systems files, applications,
10 downloads, or media which may or may not be viewable. After Defendant has conducted
11 searches for electronically stored information, Defendant would require the use of an e-
12 discovery software and platform for Defendant's counsel to review, search, and tag
13 documents and electronically stored information for responsiveness or privilege.

14 Defendant objects that the Request seeks documents that are not reasonably
15 accessible based on the undue burden and costs associated with searching for and
16 producing documents and electronically stored information responsive to this Request for
17 the reasons described above. Defendant also objects that discovery regarding the training
18 of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained
19 through other means that are less burdensome, less costly, and more convenient. Without
20 waiving any, and based on these objections, Defendant responds that it conducted a
21 search for accessible documents in response to this Request and will produce non-
22 privileged documents relating to encampment cleanup training materials in the form
23 maintained in the Defendant's ordinary course.

24 **REQUEST FOR PRODUCTION NO. 20:**

25 All DOCUMENTS related to trainings conducted by or for LAPD members of the
26 HOPE Teams. This request excludes documents related to trainings that are conducted for
27 all members of the LAPD.
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request is overbroad and burdensome in seeking all documents regarding trainings, including all email communications, calendar invites, and notes taken by participants or presenters, all sign in sheets, and flyers relating to training dating back to April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all documents regarding trainings, including all email communications, calendar invites, and notes taken

1 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
2 April 2016 outweighs the benefit of such information for Plaintiff El Bey's claims, and
3 Defendant's costs or expense in conducting the search and producing documents greatly
4 exceeds the amount in controversy for Plaintiff's alleged damages.

5 Specifically, in order to search for and obtain documents responsive to the
6 Request, Defendant would have to first search for all trainings and determine when such
7 trainings occurred over a four-year period. Defendant would then have to investigate the
8 identity of the instructor for each training and whether such training included a sign-in
9 sheet, a list of participants, the identify of participants and instructor(s) for each training
10 to conduct follow up searches regarding available notes and materials, and conduct
11 searches for calendar invites and promotional emails or flyers for each training.

12 Defendant uses an email system known as CityMail that is based on an
13 implementation of Google Apps Premier Edition and is used by nearly every City entity,
14 including 40 different departments. Defendant's CityMail system uses the Google Vault
15 system for archiving emails. Google Vault is a cloud-based data storage system; rather
16 than being stored on locally managed servers, the archived email data is stored on remote
17 servers that are managed by Google, Inc. and are only accessible to Defendant's office
18 via the internet. In order to search the email archives, Defendant's ITA must formulate a
19 search query utilizing the search terms and restrictions provided by the requester.
20 Depending on the number and complexity of search terms, the number of email accounts
21 or document custodians, and the breadth of the search, ITA may need to formulate more
22 than one search query and scan the stored data multiple times. When the search
23 completes, Google Vault provides preliminary information regarding the email data
24 gathered by the search. In order to access the actual emails, however, the entire store of
25 data must first be exported from the cloud-servers to a different "download" server to
26 which ITA can connect via the internet and from which we can then download the data.
27 Depending on the size of the data, the download process the most time-consuming part of
28 gathering the email data. Even when ITA allocates multiple personnel to conduct search

1 queries in order to speed up the archived email search and collection process, ITA is still
2 limited by the speeds at which the data can be transferred from the download server to
3 Defendant's local data storage devices. As downloads of batches of data become
4 available, ITA begins the process of identifying the email addresses that accompany the
5 data against the list of individuals identified in the data request and thereafter segregates
6 the email stores of matching individuals. ITA would also identify and screen emails of
7 City Attorneys begin the process of identifying and screening-out the emails of city
8 attorneys and may need to conduct subsequent queries to screen out attorneys for
9 purposes of compiling a list of excluded emails for a privilege log.

10 In addition, Defendant would need to determine whether a City department utilizes
11 systems-based network servers that may include network folders used to store or maintain
12 documents within a particular division or department section. In order to retrieve
13 systems-based server folders for review, Defendant would require a technology
14 professional who has administrator privileges to make a copy of the drive(s), which can
15 range in size by terabytes of data. In order to search certain folders on system-based
16 network drives, a technology professional who has administrator privileges, would use
17 the Microsoft Windows File Explorer search function, the limited search function
18 available by default on Windows. The limited search capabilities of the Windows File
19 Explorer search tool may not be able to accommodate full searches within documents or
20 Boolean searches. The resulting hits might include systems files, applications,
21 downloads, or media which may or may not be viewable. After Defendant has conducted
22 searches for electronically stored information, Defendant would require the use of an e-
23 discovery software and platform for Defendant's counsel to review, search, and tag
24 documents and electronically stored information for responsiveness or privilege.

25 Defendant objects that the Request seeks documents that are not reasonably
26 accessible based on the undue burden and costs associated with searching for and
27 producing documents and electronically stored information responsive to this Request for
28 the reasons described above. Defendant also objects that discovery regarding the training

1 of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained
2 through other means that are less burdensome, less costly, and more convenient. Without
3 waiving any, and based on these objections, Defendant responds that it conducted a
4 search for accessible documents in response to this Request and will produce non-
5 privileged documents relating to LAPD HOPE training materials in the form maintained
6 in the Defendant's ordinary course.

7 **REQUEST FOR PRODUCTION NO. 21:**

8 One copy of each form used by the CITY or any of its contractors or
9 subcontractors, including Chrysalis, LAHSA, and Clean Harbors, related to
10 ENCAMPMENT CLEANUPS.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

12 Defendant incorporates the General Objections as though fully set forth here.
13 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
14 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
15 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
16 and Western. Defendant further objects that the Request seeks documents that are not
17 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
18 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
19 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
20 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
21 City's policies and practices are unconstitutional and not that each past application of
22 those policies and practices to its members was unconstitutional."). Defendant also
23 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
24 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
25 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
26 that the Request is overbroad in seeking all forms used by any contractor or subcontractor
27 relating to encampment cleanups dating back to April 2016, three years before Plaintiff
28 El-Bey's specific alleged incidents occurred. Defendant further objects that Request is

1 not proportional to the needs of the case, insofar as the burden or expense of searching
2 for and producing all forms used by any contractor or subcontractor dating back to April
3 2016 outweighs the benefit of such irrelevant discovery to Plaintiff El Bey's specific
4 claims alleged in the SAC. Without waiving any, and based on these objections,
5 Defendant will produce a copy of the form of post-removal notice and chain-of-custody
6 form used for removed property during encampment cleanups occurring on or after
7 January 1, 2019.

8 **REQUEST FOR PRODUCTION NO. 22:**

9 All instructions, manuals, training materials and policies related to any form used
10 by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA,
11 and Clean Harbors that is related to ENCAMPMENT CLEANUPS.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

13 Defendant incorporates the General Objections as though fully set forth here.
14 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
15 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
16 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
17 and Western. Defendant further objects that the Request seeks documents that are not
18 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
19 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
20 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
21 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
22 City's policies and practices are unconstitutional and not that each past application of
23 those policies and practices to its members was unconstitutional."). Defendant also
24 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
25 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
26 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
27 that the Request is overbroad in seeking documents dating back to April 2016, three years
28 before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant

1 objects that the Request is not proportional to the needs of the case, insofar as the burden
2 or expense of searching for and producing documents dating back to April 2016, three
3 years before the specific alleged incidents occurred, outweighs the benefit of such
4 discovery to Plaintiff El Bey's specific claims alleged in the SAC. Subject to and without
5 waiving these objections, Defendant responds as follows: Defendant previously
6 produced documents responsive to this Request and will produce additional responsive
7 documents regarding training materials, policies, and manuals in Defendant's possession,
8 custody or control as specified in Defendant's responses and objections to RFP Nos. 11-
9 13 and 17.

10 **REQUEST FOR PRODUCTION NO. 23:**

11 All COMMUNICATIONS related to the use of forms used by the CITY or any of
12 its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that
13 are related to ENCAMPMENT CLEANUPS, including but not limited to any email
14 instructions or clarifications related to the use of the forms.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

16 Defendant incorporates the General Objections as though fully set forth here.
17 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
18 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
19 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
20 and Western. Defendant further objects that the Request seeks documents that are not
21 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
22 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
23 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
24 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
25 City's policies and practices are unconstitutional and not that each past application of
26 those policies and practices to its members was unconstitutional."). Defendant also
27 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
28 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need

only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects that the Request is overbroad and burdensome in seeking all communications, including emails, regarding the use of forms by Defendant, LAHSA, Chrysalis, and Clean Harbors dating back to April 2016, three years before Plaintiff El-Bey’s specific incidents occurred as alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all communications, including emails, regarding the use of forms by Defendant, LAHSA, Chrysalis, and Clean Harbors dating back to April 2016 outweighs the benefit of such information for Plaintiff El Bey’s claims, and Defendant’s costs or expense in conducting the search and producing documents greatly exceeds the amount in controversy for Plaintiff’s alleged damages.

Specifically, in order to search for and obtain documents responsive to the Request, Defendant would have to investigate the identify of all potential custodians who may have sent or received an email regarding the use of form for an encampment cleanup over a four-year period, including personnel from LASAN, UHRC, LAPD, the City Attorney’s Office, and possibly other City departments. Defendant would then have to conduct search parameters for all communications over a four-year period involving all identified custodians from different City departments.

Defendant uses an email system known as CityMail that is based on an implementation of Google Apps Premier Edition and is used by nearly every City entity, including 40 different departments. Defendant’s CityMail system uses the Google Vault system for archiving emails. Google Vault is a cloud-based data storage system; rather

1 than being stored on locally managed servers, the archived email data is stored on remote
2 servers that are managed by Google, Inc. and are only accessible to Defendant's office
3 via the internet. In order to search the email archives, Defendant's ITA must formulate a
4 search query utilizing the search terms and restrictions provided by the requester.
5 Depending on the number and complexity of search terms, the number of email accounts
6 or document custodians, and the breadth of the search, ITA may need to formulate more
7 than one search query and scan the stored data multiple times. When the search
8 completes, Google Vault provides preliminary information regarding the email data
9 gathered by the search. In order to access the actual emails, however, the entire store of
10 data must first be exported from the cloud-servers to a different "download" server to
11 which ITA can connect via the internet and from which we can then download the data.
12 Depending on the size of the data, the download process the most time-consuming part of
13 gathering the email data. Even when ITA allocates multiple personnel to conduct search
14 queries in order to speed up the archived email search and collection process, ITA is still
15 limited by the speeds at which the data can be transferred from the download server to
16 Defendant's local data storage devices. As downloads of batches of data become
17 available, ITA begins the process of identifying the email addresses that accompany the
18 data against the list of individuals identified in the data request and thereafter segregates
19 the email stores of matching individuals. ITA would also identify and screen emails of
20 City Attorneys begin the process of identifying and screening-out the emails of city
21 attorneys and may need to conduct subsequent queries to screen out attorneys for
22 purposes of compiling a list of excluded emails for a privilege log.

23 In addition, Defendant would need to determine whether a City department utilizes
24 systems-based network servers that may include network folders used to store or maintain
25 communications within a particular division or department section. In order to retrieve
26 systems-based server folders for review, Defendant would require a technology
27 professional who has administrator privileges to make a copy of the drive(s), which can
28 range in size by terabytes of data. In order to search certain folders on system-based

1 network drives, a technology professional who has administrator privileges, would use
2 the Microsoft Windows File Explorer search function, the limited search function
3 available by default on Windows. The limited search capabilities of the Windows File
4 Explorer search tool may not be able to accommodate full searches within documents or
5 Boolean searches. The resulting hits might include systems files, applications,
6 downloads, or media which may or may not be viewable. After Defendant has conducted
7 searches for electronically stored information, Defendant would require the use of an e-
8 discovery software and platform for Defendant's counsel to review, search, and tag
9 documents and electronically stored information for responsiveness or privilege.

10 Defendant objects that the Request seeks documents that are not reasonably
11 accessible based on the undue burden and costs associated with searching for and
12 producing documents and electronically stored information responsive to this Request for
13 the reasons described above. Without waiving any, and based on these objections, no
14 documents will be produced in response to this Request.

15 **REQUEST FOR PRODUCTION NO. 24:**

16 One copy of each form used by the CITY or any of its contractors or
17 subcontractors, including Chrysalis, LAHSA, and Clean Harbors, related to the storage of
18 personal property taken, seized, or otherwise obtained by the City.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

20 Defendant incorporates the General Objections as though fully set forth here.
21 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
22 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
23 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
24 and Western. Defendant further objects that the Request seeks documents that are not
25 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
26 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
27 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
28 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the

1 City's policies and practices are unconstitutional and not that each past application of
2 those policies and practices to its members was unconstitutional."). Defendant also
3 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
4 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
5 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
6 that the Request is overbroad in seeking all forms used by any contractor or subcontractor
7 relating to encampment cleanups dating back to April 2016, three years before Plaintiff
8 El-Bey's specific alleged incidents occurred. Defendant further objects that Request is
9 not proportional to the needs of the case, insofar as the burden or expense of searching
10 for and producing all forms used by any contractor or subcontractor dating back to April
11 2016 outweighs the benefit of such irrelevant discovery to Plaintiff El Bey's specific
12 claims alleged in the SAC. Without waiving any, and based on these objections,
13 Defendant will produce a copy of the form of post-removal notice and chain-of-custody
14 form used for removed property during encampment cleanups occurring on or after
15 January 1, 2019.

16 **REQUEST FOR PRODUCTION NO. 25:**

17 All instructions, manuals, training materials and policies related to any form used
18 by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA,
19 and Clean Harbors, that is related to the storage of personal property taken, seized, or
20 otherwise obtained by the City.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

22 Defendant incorporates the General Objections as though fully set forth here.
23 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
24 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
25 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
26 and Western. Defendant further objects that the Request seeks documents that are not
27 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
28 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC

56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad in seeking documents dating back to April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant objects that the Request is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing documents dating back to April 2016, three years before the specific alleged incidents occurred, outweighs the benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC. Subject to and without waiving these objections, Defendant responds as follows: Defendant previously produced documents responsive to this Request and will produce additional responsive documents regarding training materials, policies, and manuals in Defendant's possession, custody or control as specified in Defendant's responses and objections to RFP Nos. 11-13 and 17.

REQUEST FOR PRODUCTION NO. 26:

All COMMUNICATIONS related to the use of forms used by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that are related to i[sic] that is related to the storage of personal property taken, seized, or otherwise obtained by the City, including but not limited to any email instructions or clarifications related to the use of the forms. [notices]

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around

1 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
2 and Western. Defendant further objects that the Request seeks documents that are not
3 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
4 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
5 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
6 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
7 City's policies and practices are unconstitutional and not that each past application of
8 those policies and practices to its members was unconstitutional."). Defendant also
9 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
10 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
11 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
12 that the Request is overbroad and burdensome in seeking all communications, including
13 emails, regarding the use of forms by Defendant, LAHSA, Chrysalis, and Clean Harbors
14 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
15 occurred as alleged in the SAC. Defendant also objects to the Request to the extent the
16 Request seeks information protected from disclosure by the attorney-client privilege and
17 or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
18 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
19 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
20 Sep. 9, 2013).

21 Defendant further objects that the Request is burdensome and not proportional to
22 the needs of the case, insofar as the burden of searching for and producing all
23 communications, including emails, regarding the use of forms by Defendant, LAHSA,
24 Chrysalis, and Clean Harbors dating back to April 2016 outweighs the benefit of such
25 information for Plaintiff El Bey's claims, and Defendant's costs or expense in conducting
26 the search and producing documents greatly exceeds the amount in controversy for
27 Plaintiff's alleged damages.

1 Specifically, in order to search for and obtain documents responsive to the
2 Request, Defendant would have to investigate the identify of all potential custodians who
3 may have sent or received an email regarding the use of form for an encampment cleanup
4 over a four-year period, including personnel from LASAN, UHRC, LAPD, the City
5 Attorney's Office, and possibly other City departments. Defendant would then have to
6 conduct search parameters for all communications over a four-year period involving all
7 identified custodians from different City departments.

8 Defendant uses an email system known as CityMail that is based on an
9 implementation of Google Apps Premier Edition and is used by nearly every City entity,
10 including 40 different departments. Defendant's CityMail system uses the Google Vault
11 system for archiving emails. Google Vault is a cloud-based data storage system; rather
12 than being stored on locally managed servers, the archived email data is stored on remote
13 servers that are managed by Google, Inc. and are only accessible to Defendant's office
14 via the internet. In order to search the email archives, Defendant's ITA must formulate a
15 search query utilizing the search terms and restrictions provided by the requester.
16 Depending on the number and complexity of search terms, the number of email accounts
17 or document custodians, and the breadth of the search, ITA may need to formulate more
18 than one search query and scan the stored data multiple times. When the search
19 completes, Google Vault provides preliminary information regarding the email data
20 gathered by the search. In order to access the actual emails, however, the entire store of
21 data must first be exported from the cloud-servers to a different "download" server to
22 which ITA can connect via the internet and from which we can then download the data.
23 Depending on the size of the data, the download process the most time-consuming part of
24 gathering the email data. Even when ITA allocates multiple personnel to conduct search
25 queries in order to speed up the archived email search and collection process, ITA is still
26 limited by the speeds at which the data can be transferred from the download server to
27 Defendant's local data storage devices. As downloads of batches of data become
28 available, ITA begins the process of identifying the email addresses that accompany the

1 data against the list of individuals identified in the data request and thereafter segregates
2 the email stores of matching individuals. ITA would also identify and screen emails of
3 City Attorneys begin the process of identifying and screening-out the emails of city
4 attorneys and may need to conduct subsequent queries to screen out attorneys for
5 purposes of compiling a list of excluded emails for a privilege log.

6 In addition, Defendant would need to determine whether a City department utilizes
7 systems-based network servers that may include network folders used to store or maintain
8 communications within a particular division or department section. In order to retrieve
9 systems-based server folders for review, Defendant would require a technology
10 professional who has administrator privileges to make a copy of the drive(s), which can
11 range in size by terabytes of data. In order to search certain folders on system-based
12 network drives, a technology professional who has administrator privileges, would use
13 the Microsoft Windows File Explorer search function, the limited search function
14 available by default on Windows. The limited search capabilities of the Windows File
15 Explorer search tool may not be able to accommodate full searches within documents or
16 Boolean searches. The resulting hits might include systems files, applications,
17 downloads, or media which may or may not be viewable. After Defendant has conducted
18 searches for electronically stored information, Defendant would require the use of an e-
19 discovery software and platform for Defendant's counsel to review, search, and tag
20 documents and electronically stored information for responsiveness or privilege.

21 Defendant objects that the Request seeks documents that are not reasonably
22 accessible based on the undue burden and costs associated with searching for and
23 producing documents and electronically stored information responsive to this Request for
24 the reasons described above. Without waiving any, and based on these objections, no
25 documents will be produced in response to this Request.

1 **REQUEST FOR PRODUCTION NO. 27:**

2 One copy of each notice (an[sic] all versions of said notice) used by the CITY or
3 any of its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors,
4 related to ENCAMPMENT CLEANUPS.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

6 Defendant incorporates the General Objections as though fully set forth here.
7 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
8 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
9 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
10 and Western. Defendant further objects that the Request seeks documents that are not
11 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
12 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
13 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
14 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
15 City's policies and practices are unconstitutional and not that each past application of
16 those policies and practices to its members was unconstitutional."). Defendant also
17 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
18 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
19 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
20 that the Request is overbroad in seeking all forms used by any contractor or subcontractor
21 relating to encampment cleanups dating back to April 2016, three years before Plaintiff
22 El-Bey's specific alleged incidents occurred. Defendant further objects that Request is
23 not proportional to the needs of the case, insofar as the burden or expense of searching
24 for and producing all forms used by any contractor or subcontractor dating back to April
25 2016 outweighs the benefit of such irrelevant discovery to Plaintiff El Bey's specific
26 claims alleged in the SAC. Without waiving any, and based on these objections,
27 Defendant produced the actual form of notices posted during any cleanups in its incident-

specific document production at CITY00001-2677 and will produce a copy of the form of notices implemented after the specific incidents occurred in 2019 under CARE+.

REQUEST FOR PRODUCTION NO. 28:

All instructions, manuals, training materials and policies related to any notice used by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors that is related to ENCAMPMENT CLEANUPS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad in seeking documents dating back to April 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant objects that the Request is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing documents dating back to April 2016, three years before the specific alleged incidents occurred, outweighs the benefit of such discovery to Plaintiff El Bey's specific claims alleged in the SAC. Subject to and without waiving these objections, Defendant responds as follows: Defendant previously

1 produced documents responsive to this Request and will produce additional responsive
2 documents regarding training materials, policies, and manuals in Defendant's possession,
3 custody or control as specified in Defendant's responses and objections to RFP Nos. 11-
4 13 and 17.

5 **REQUEST FOR PRODUCTION NO. 29:**

6 All COMMUNICATIONS related to the use of notices used by the CITY or any of
7 its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that
8 are related to ENCAMPMENT CLEANUPS, including but not limited to any email
9 instructions or clarifications related to the use of the notices.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

11 Defendant incorporates the General Objections as though fully set forth here.
12 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
13 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
14 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
15 and Western. Defendant further objects that the Request seeks documents that are not
16 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
17 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
18 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
19 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
20 City's policies and practices are unconstitutional and not that each past application of
21 those policies and practices to its members was unconstitutional."). Defendant also
22 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
23 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
24 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
25 that the Request is overbroad and burdensome in seeking all communications, including
26 emails, regarding the use of notices by Defendant, LAHSA, Chrysalis, and Clean Harbors
27 dating back to April 2016, three years before Plaintiff El-Bey's specific incidents
28 occurred as alleged in the SAC. Defendant also objects to the Request to the extent the

1 Request seeks information protected from disclosure by the attorney-client privilege and
2 or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
3 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
4 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
5 Sep. 9, 2013).

6 Defendant further objects that the Request is burdensome and not proportional to
7 the needs of the case, insofar as the burden of searching for and producing all
8 communications, including emails, regarding the use of notices by Defendant, LAHSA,
9 Chrysalis, and Clean Harbors dating back to April 2016 outweighs the benefit of such
10 information for Plaintiff El Bey's claims, and Defendant's costs or expense in conducting
11 the search and producing documents greatly exceeds the amount in controversy for
12 Plaintiff's alleged damages.

13 Specifically, in order to search for and obtain documents responsive to the
14 Request, Defendant would have to investigate the identify of all potential custodians who
15 may have sent or received an email regarding the use of notice for an encampment
16 cleanup over a four-year period, including personnel from LASAN, UHRC, LAPD, the
17 City Attorney's Office, and possibly other City departments. Defendant would then have
18 to conduct search parameters for all communications over a four-year period involving all
19 identified custodians from different City departments.

20 Defendant uses an email system known as CityMail that is based on an
21 implementation of Google Apps Premier Edition and is used by nearly every City entity,
22 including 40 different departments. Defendant's CityMail system uses the Google Vault
23 system for archiving emails. Google Vault is a cloud-based data storage system; rather
24 than being stored on locally managed servers, the archived email data is stored on remote
25 servers that are managed by Google, Inc. and are only accessible to Defendant's office
26 via the internet. In order to search the email archives, Defendant's ITA must formulate a
27 search query utilizing the search terms and restrictions provided by the requester.
28 Depending on the number and complexity of search terms, the number of email accounts

1 or document custodians, and the breadth of the search, ITA may need to formulate more
2 than one search query and scan the stored data multiple times. When the search
3 completes, Google Vault provides preliminary information regarding the email data
4 gathered by the search. In order to access the actual emails, however, the entire store of
5 data must first be exported from the cloud-servers to a different “download” server to
6 which ITA can connect via the internet and from which we can then download the data.
7 Depending on the size of the data, the download process the most time-consuming part of
8 gathering the email data. Even when ITA allocates multiple personnel to conduct search
9 queries in order to speed up the archived email search and collection process, ITA is still
10 limited by the speeds at which the data can be transferred from the download server to
11 Defendant’s local data storage devices. As downloads of batches of data become
12 available, ITA begins the process of identifying the email addresses that accompany the
13 data against the list of individuals identified in the data request and thereafter segregates
14 the email stores of matching individuals. ITA would also identify and screen emails of
15 City Attorneys begin the process of identifying and screening-out the emails of city
16 attorneys and may need to conduct subsequent queries to screen out attorneys for
17 purposes of compiling a list of excluded emails for a privilege log.

18 In addition, Defendant would need to determine whether a City department utilizes
19 systems-based network servers that may include network folders used to store or maintain
20 communications regarding the use of notices within a particular division or department
21 section. In order to retrieve systems-based server folders for review, Defendant would
22 require a technology professional who has administrator privileges to make a copy of the
23 drive(s), which can range in size by terabytes of data. In order to search certain folders
24 on system-based network drives, a technology professional who has administrator
25 privileges, would use the Microsoft Windows File Explorer search function, the limited
26 search function available by default on Windows. The limited search capabilities of the
27 Windows File Explorer search tool may not be able to accommodate full searches within
28 documents or Boolean searches. The resulting hits might include systems files,

1 applications, downloads, or media which may or may not be viewable. After Defendant
2 has conducted searches for electronically stored information, Defendant would require
3 the use of an e-discovery software and platform for Defendant's counsel to review,
4 search, and tag documents and electronically stored information for responsiveness or
5 privilege.

6 Defendant objects that the Request seeks documents that are not reasonably
7 accessible based on the undue burden and costs associated with searching for and
8 producing documents and electronically stored information responsive to this Request for
9 the reasons described above. Without waiving any, and based on these objections, no
10 documents will be produced in response to this Request.

11 **REQUEST FOR PRODUCTION NO. 30:**

12 All records documenting the posting of notices for ENCAMPMENT CLEANUPS,
13 including but not limited to "survey/postings" records created by LA Sanitation.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
17 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
18 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
19 and Western. Defendant further objects that the Request seeks documents that are not
20 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
21 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
22 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
23 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
24 City's policies and practices are unconstitutional and not that each past application of
25 those policies and practices to its members was unconstitutional."). Defendant also
26 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
27 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
28 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects

1 that the Request is overbroad and burdensome in seeking all records documenting
2 encampment cleanups dating back over four years to April 2016 that are unrelated, and
3 not relevant, to Plaintiff El Bey's specific claims alleged in the SAC. Defendant also
4 objects to the Request to the extent the Request seeks information protected from
5 disclosure by the attorney-client privilege and or attorney work product
6 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
7 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
8 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

9 Defendant further objects that the Request is burdensome and not proportional to
10 the needs of the case, insofar as the burden of searching for and producing all records
11 documenting posting of notices for encampment cleanups outweighs the benefit of such
12 information for Plaintiff El Bey's claims, and Defendant's costs or expense in conducting
13 the search and producing documents greatly exceeds the amount in controversy for
14 Plaintiff's alleged damages.

15 Specifically, in order to search for and obtain documents responsive to the
16 Request, Defendant would need to search the LASAN's WPIMS database to identify all
17 incidents constituting "encampment cleanups" as defined in the Request. Defendant
18 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
19 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
20 would have to conduct a query and search parameters within WPIMS to generate a report
21 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
22 incident/case number, and form of encampment cleanup. Defendant identified 22,089
23 incidents involving posted cleanups. For each identified incident number, Defendant
24 would need to generate reports within WPIMS for the encampment cleanup, and collect
25 associated posting surveys for each cleanup. Defendant would then have to conduct
26 additional searches for encampment cleanup pictures and media files by incident number
27 that are not stored on WPIMS. The number of pictures associated with an encampment
28 cleanup could exceed over 700 pictures for one incident report. Defendant would also

1 have to manually search for, collect, and assemble related documents by incident number,
2 including cleanup authorizations for each incident within LASAN's AMS.

3 Defendant would also need to search for potentially responsive documents or
4 information for encampment cleanups as defined in the Request that may be maintained
5 within LASAN's Customer Service Group's MyLA database for service
6 requests. Defendant would have to conduct a search parameter for service requests
7 relating to encampment cleanups as defined in the Request for the period from April 1,
8 2016 to the present and generate a report identifying service requests for defined
9 encampment cleanups by location address and date range. Defendant would then need an
10 analyst to manually review MyLA data and cross-reference incident/case numbers,
11 addresses, and dates identified by Defendant's WPIMS query to determine potentially
12 corresponding service requests for identified encampment cleanups involving posted
13 notices. Defendant would then have to prepare a separate report containing identified
14 service requests within the MyLA database corresponding to identified WPIMS
15 incident/case numbers for encampment cleanups involving posted notices. In addition,
16 for cleanups occurring after October 2019, Defendant would have to conduct searches for
17 potentially responsive documents within the City's daily schedules issued for CARE and
18 CARE+ operations by reviewing schedules and cross referencing the schedules with
19 identified incident/case numbers, dates, and locations. Defendant objects that the
20 Request seeks documents that are not reasonably accessible based on the undue burden
21 and costs associated with searching for and producing documents responsive to this
22 Request for the reasons described above. Without waiving any, and based on these,
23 objections, no documents will be produced in response to this Request.

24 **REQUEST FOR PRODUCTION NO. 31:**

25 All data contained within the database used to generate the Health Hazard
26 Assessment Reports by LA Sanitation, Environmental Enforcement.
27
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing any such proposed discovery outweighs the benefit of such information for Plaintiff El Bey's claims and Defendant's costs or expense in conducting the search and producing documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

Specifically, in order to search for and obtain documents responsive to the Request, Defendant would need to search LASAN's WPIMS database to identify all incidents constituting "encampment cleanups" as defined in the Request. Defendant

1 identified 41,734 incidents within WPIMS constituting “encampment cleanups” as
2 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
3 would have to conduct a query and search parameters within WPIMS to generate a report
4 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
5 incident/case number, and form of encampment cleanup. For each identified incident
6 number, Defendant would need to generate reports within WPIMS for the encampment
7 cleanup, and collect associated health hazard checklists by incident number. Defendant
8 uses WPIMS to generate cleanup reports for encampment cleanups, while LASAN’s
9 health hazard checklists are standardized forms that are completed manually by
10 environmental compliance inspectors conducting specified encampment cleanups.
11 Defendant would also have to manually search for, collect, and assemble related
12 documents by incident number, including hazardous-waste disposal records and non-
13 hazardous waste disposal records for each incident. Defendant previously conducted a
14 search for and produced incident-specific documents for encampment cleanups, including
15 health hazard checklists for the named individual plaintiffs’ specific incidents at
16 CITY00001-2677.

17 In addition, the Request for all data maintained in WPIMS is overbroad as the
18 database is used by LASAN’s Watershed Protection Division for other purposes,
19 including environmental and stormwater pollution cases, among others. Defendant
20 further objects to producing all data within WPIMS over a four-year period irrespective
21 of subject matter as the Request is extremely overbroad, burdensome, and not
22 proportional to Plaintiff El-Bey’s discovery needs. Defendant objects that the Request
23 seeks documents that are not reasonably accessible based on the undue burden and costs
24 associated with searching for and producing documents responsive to this Request for the
25 reasons described above. Without waiving any, and based on these, objections, no
26 documents will be produced in response to this Request.

27 **REQUEST FOR PRODUCTION NO. 32:**

28 All data contained within the Online Encampment Authorization database.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad and burdensome in seeking all records documenting encampment cleanups dating back over four years to April 2016 that are unrelated, and not relevant, to Plaintiff El Bey's specific claims alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all records documenting posting of notices for encampment cleanups outweighs the benefit of such information for Plaintiff El Bey's claims, and Defendant's costs or expense in conducting

1 the search and producing documents greatly exceeds the amount in controversy for
2 Plaintiff's alleged damages.

3 Defendant objects that the term "Online Encampment Authorization" database is
4 vague and ambiguous. Defendant interprets such term to refer to LASAN's AMS for
5 authorizations for encampment cleanups. Specifically, in order to search for and obtain
6 documents responsive to the Request, Defendant would need to search the LASAN's
7 WPIMS database to identify all incidents constituting "encampment cleanups" as defined
8 in the Request. Defendant identified 41,734 incidents within WPIMS constituting
9 "encampment cleanups" as defined in the Request for the period from April 1, 2016 to
10 July 31, 2020. Defendant would have to conduct a query and search parameters within
11 WPIMS to generate a report identifying all 41,734 incidents by the address listed for the
12 encampment cleanup, date, incident/case number, and form of encampment
13 cleanup. Defendant identified 22,089 incidents involving posted cleanups. For each
14 identified incident number, Defendant would need to generate reports within WPIMS for
15 the encampment cleanup. Defendant would then have to manually search for, collect,
16 and assemble cleanup authorizations within AMS for each identified incident/case
17 number.

18 In addition, Defendant objects to producing all data within AMS over a four-year
19 period irrespective of subject matter as the Request is extremely overbroad, burdensome,
20 and not proportional to Plaintiff El-Bey's discovery needs. Defendant objects that the
21 Request seeks documents that are not reasonably accessible based on the undue burden
22 and costs associated with searching for and producing documents responsive to this
23 Request for the reasons described above.

24 To the extent that the Requests seeks information for encampment cleanups
25 maintained with LASAN's Customer Service Group's MyLA database for service
26 requests, Defendant also objects that the Request is burdensome and not proportional to
27 the discovery needs of the case. Defendant would have to conduct a search parameter for
28 service requests relating to encampment cleanups as defined in the Request for the period

1 from April 1, 2016 to the present and generate a report identifying service requests for
2 defined encampment cleanups by location address and date range. Defendant would then
3 need an analyst to manually review MyLA data and cross-reference incident/case
4 numbers, addresses, and dates identified by Defendant's WPIMS query to determine
5 potentially corresponding service requests for identified encampment cleanups involving
6 posted notices. Defendant would then have to prepare a separate report containing
7 identified service requests within the MyLA database corresponding to identified WPIMS
8 incident/case numbers for encampment cleanups. Defendant objects that the Request
9 seeks documents that are not reasonably accessible based on the undue burden and costs
10 associated with searching for and producing documents responsive to this Request for the
11 reasons described above. Without waiving any, and based on these, objections, no
12 documents will be produced in response to this Request.

13 **REQUEST FOR PRODUCTION NO. 33:**

14 All HOPE/Rapid Response 56.11 Enforcement Reports and related
15 DOCUMENTS. This request includes related Health Hazard checklists, HOPE Metrics
16 sheets, photographs, and other DOCUMENTS related to these reports.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

18 Defendant incorporates the General Objections as though fully set forth here.
19 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
20 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
21 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
22 and Western. Defendant further objects that the Request seeks documents that are not
23 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
24 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
25 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
26 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
27 City's policies and practices are unconstitutional and not that each past application of
28 those policies and practices to its members was unconstitutional."). Defendant also

1 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
2 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need
3 only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects
4 that the Request is overbroad and burdensome in seeking documents regarding
5 encampment cleanups dating back over four years to April 1, 2016 that are unrelated, and
6 not relevant, to Plaintiff El Bey’s specific claims alleged in the SAC. Defendant also
7 objects to the Request to the extent the Request seeks information protected from
8 disclosure by the attorney-client privilege and or attorney work product
9 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
10 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
11 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

12 Defendant further objects that the Request is burdensome and not proportional to
13 the needs of the case, insofar as the burden of searching for and producing any such
14 proposed discovery outweighs the benefit of such information for Plaintiff El Bey’s
15 claims and Defendant’s costs or expense in conducting the search and producing
16 documents greatly exceeds the amount in controversy for Plaintiff’s alleged damages.

17 Specifically, in order to search for and obtain documents responsive to the
18 Request, Defendant would need to search LASAN’s WPIMS database to identify all
19 incidents constituting “encampment cleanups” as defined in the Request. Defendant
20 identified 41,734 incidents within WPIMS constituting “encampment cleanups” as
21 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
22 would have to conduct a query and search parameters within WPIMS to generate a report
23 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
24 incident/case number, and form of encampment cleanup. For each identified incident
25 number, Defendant would need to generate reports within WPIMS for the encampment
26 cleanup, and collect associated health hazard checklists by incident number.

27 For each identified incident number, Defendant would need to generate reports
28 within WPIMS for the encampment cleanup, and collect associated health hazard

1 checklists. Defendant would then have to conduct additional searches for encampment
2 cleanup pictures and media files by incident number that are not stored on WPIMS. The
3 number of pictures associated with an encampment cleanup could exceed over 700
4 pictures for one incident report. Defendant would also have to manually search for,
5 collect, and assemble related documents by incident number, including any posting
6 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
7 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
8 specified incident/case numbers for responsive encampment cleanups, Defendant would
9 then have to conduct searches for potentially responsive LAPD records for any incidents
10 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
11 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
12 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
13 Reports. In addition, Defendant would have to search for LAPD body worn video that
14 may exist for identified incidents involving LAPD HOPE Officers and review such video
15 for responsiveness to the Request. Defendant previously conducted a search for and
16 produced such incident-specific documents for the named individual plaintiffs' specific
17 incidents at CITY00001-2677.

18 Defendant would also need to search for potentially responsive documents or
19 information for encampment cleanups as defined in the Request that may be maintained
20 within LASAN's Customer Service Group's MyLA database for service
21 requests. Defendant would have to conduct a search parameter for service requests
22 relating to encampment cleanups as defined in the Request for the period from April 1,
23 2016 to the present and generate a report identifying service requests for defined
24 encampment cleanups by location address and date range. Defendant would then need an
25 analyst to manually review MyLA data and cross-reference incident/case numbers,
26 addresses, and dates identified by Defendant's WPIMS query to determine potentially
27 corresponding service requests for identified encampment cleanups. Defendant would
28 then have to prepare a separate report containing identified service requests within the

1 MyLA database corresponding to identified WPIMS incident/case numbers for
2 encampment cleanups. In addition, for cleanups occurring after October 2019, Defendant
3 would have to conduct searches for potentially responsive documents within the City's
4 daily schedules issued for CARE and CARE+ operations by reviewing schedules and
5 cross referencing the schedules with identified incident/case numbers, dates, and
6 locations. Defendant objects that the Request seeks documents that are not reasonably
7 accessible based on the undue burden and costs associated with searching for and
8 producing documents responsive to this Request for the reasons described
9 above. Without waiving any, and based on these, objections, no documents will be
10 produced in response to this Request.

11 **REQUEST FOR PRODUCTION NO. 34:**

12 All Health Hazard Assessment Reports and related documents created by LA
13 Sanitation to document ENCAMPMENT CLEANUPS. This includes but is not limited to
14 Health Hazard checklists, Metrics sheets, photographs, and other DOCUMENTS related
15 to these reports.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

17 Defendant incorporates the General Objections as though fully set forth here.
18 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
19 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
20 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
21 and Western. Defendant further objects that the Request seeks documents that are not
22 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
23 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
24 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
25 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
26 City's policies and practices are unconstitutional and not that each past application of
27 those policies and practices to its members was unconstitutional."). Defendant also
28 objects that the proposed discovery is not relevant to establishing *Monell* liability for the

1 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
2 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
3 that the Request is overbroad and burdensome in seeking documents regarding
4 encampment cleanups dating back over four years to April 1, 2016 that are unrelated, and
5 not relevant, to Plaintiff El Bey's specific claims alleged in the SAC. Defendant also
6 objects to the Request to the extent the Request seeks information protected from
7 disclosure by the attorney-client privilege and or attorney work product
8 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
9 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
10 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

11 Defendant further objects that the Request is burdensome and not proportional to
12 the needs of the case, insofar as the burden of searching for and producing any such
13 proposed discovery outweighs the benefit of such information for Plaintiff El Bey's
14 claims and Defendant's costs or expense in conducting the search and producing
15 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

16 Specifically, in order to search for and obtain documents responsive to the
17 Request, Defendant would need to search LASAN's WPIMS database to identify all
18 incidents constituting "encampment cleanups" as defined in the Request. Defendant
19 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
20 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
21 would have to conduct a query and search parameters within WPIMS to generate a report
22 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
23 incident/case number, and form of encampment cleanup. For each identified incident
24 number, Defendant would need to generate reports within WPIMS for the encampment
25 cleanup, and collect associated health hazard checklists by incident number.

26 For each identified incident number, Defendant would need to generate reports
27 within WPIMS for the encampment cleanup, and collect associated health hazard
28 checklists. Defendant would then have to conduct additional searches for encampment

1 cleanup pictures and media files by incident number that are not stored on WPIMS. The
2 number of pictures associated with an encampment cleanup could exceed over 700
3 pictures for one incident report. Defendant would also have to manually search for,
4 collect, and assemble related documents by incident number, including any posting
5 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
6 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
7 specified incident/case numbers for responsive encampment cleanups, Defendant would
8 then have to conduct searches for potentially responsive LAPD records for any incidents
9 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
10 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
11 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
12 Reports. In addition, Defendant would have to search for LAPD body worn video that
13 may exist for identified incidents involving LAPD HOPE Officers and review such video
14 for responsiveness to the Request. Defendant previously conducted a search for and
15 produced such incident-specific documents for the named individual plaintiffs' specific
16 incidents at CITY00001-2677.

17 Defendant would also need to search for potentially responsive documents or
18 information for encampment cleanups as defined in the Request that may be maintained
19 within LASAN's Customer Service Group's MyLA database for service
20 requests. Defendant would have to conduct a search parameter for service requests
21 relating to encampment cleanups as defined in the Request for the period from April 1,
22 2016 to the present and generate a report identifying service requests for defined
23 encampment cleanups by location address and date range. Defendant would then need an
24 analyst to manually review MyLA data and cross-reference incident/case numbers,
25 addresses, and dates identified by Defendant's WPIMS query to determine potentially
26 corresponding service requests for identified encampment cleanups. Defendant would
27 then have to prepare a separate report containing identified service requests within the
28 MyLA database corresponding to identified WPIMS incident/case numbers for

1 encampment cleanups. In addition, for cleanups occurring after October 2019, Defendant
2 would have to conduct searches for potentially responsive documents within the City's
3 daily schedules issued for CARE and CARE+ operations by reviewing schedules and
4 cross referencing the schedules with identified incident/case numbers, dates, and
5 locations. Defendant objects that the Request seeks documents that are not reasonably
6 accessible based on the undue burden and costs associated with searching for and
7 producing documents responsive to this Request for the reasons described
8 above. Without waiving any, and based on these, objections, no documents will be
9 produced in response to this Request.

10 **REQUEST FOR PRODUCTION NO. 35:**

11 All reports, summaries, statistics, analysis or data compilations related to
12 ENCAMPMENT CLEANUPS.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
16 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
17 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
18 and Western. Defendant further objects that the Request seeks documents that are not
19 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
20 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
21 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
22 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
23 City's policies and practices are unconstitutional and not that each past application of
24 those policies and practices to its members was unconstitutional."). Defendant also
25 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
26 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
27 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
28 that the Request is overbroad and burdensome in seeking documents regarding

1 encampment cleanups dating back over four years to April 1, 2016 that are unrelated, and
2 not relevant, to Plaintiff El Bey's specific claims alleged in the SAC. Defendant also
3 objects to the Request to the extent the Request seeks information protected from
4 disclosure by the attorney-client privilege and or attorney work product
5 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
6 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
7 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

8 Defendant further objects that the Request is burdensome and not proportional to
9 the needs of the case, insofar as the burden of searching for and producing any such
10 proposed discovery outweighs the benefit of such information for Plaintiff El Bey's
11 claims and Defendant's costs or expense in conducting the search and producing
12 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

13 Specifically, in order to search for and obtain documents responsive to the
14 Request, Defendant would need to search LASAN's WPIMS database to identify all
15 incidents constituting "encampment cleanups" as defined in the Request. Defendant
16 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
17 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
18 would have to conduct a query and search parameters within WPIMS to generate a report
19 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
20 incident/case number, and form of encampment cleanup. For each identified incident
21 number, Defendant would need to generate reports within WPIMS for the encampment
22 cleanup, and collect associated health hazard checklists by incident number.

23 For each identified incident number, Defendant would need to generate reports
24 within WPIMS for the encampment cleanup, and collect associated health hazard
25 checklists. Defendant would then have to conduct additional searches for encampment
26 cleanup pictures and media files by incident number that are not stored on WPIMS. The
27 number of pictures associated with an encampment cleanup could exceed over 700
28 pictures for one incident report. Defendant would also have to manually search for,

1 collect, and assemble related documents by incident number, including any posting
2 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
3 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
4 specified incident/case numbers for responsive encampment cleanups, Defendant would
5 then have to conduct searches for potentially responsive LAPD records for any incidents
6 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
7 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
8 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
9 Reports. In addition, Defendant would have to search for LAPD body worn video that
10 may exist for identified incidents involving LAPD HOPE Officers and review such video
11 for responsiveness to the Request. Defendant previously conducted a search for and
12 produced such incident-specific documents for the named individual plaintiffs' specific
13 incidents at CITY00001-2677.

14 Defendant would also need to search for potentially responsive documents or
15 information for encampment cleanups as defined in the Request that may be maintained
16 within LASAN's Customer Service Group's MyLA database for service
17 requests. Defendant would have to conduct a search parameter for service requests
18 relating to encampment cleanups as defined in the Request for the period from April 1,
19 2016 to the present and generate a report identifying service requests for defined
20 encampment cleanups by location address and date range. Defendant would then need an
21 analyst to manually review MyLA data and cross-reference incident/case numbers,
22 addresses, and dates identified by Defendant's WPIMS query to determine potentially
23 corresponding service requests for identified encampment cleanups. Defendant would
24 then have to prepare a separate report containing identified service requests within the
25 MyLA database corresponding to identified WPIMS incident/case numbers for
26 encampment cleanups.

27 In addition, Defendant would have to search for all statistical analysis or data
28 compilations relating to encampment cleanups dating back to April 1, 2016. Defendant

1 would have to search for weekly service request reports regarding encampment cleanups
2 over a four-year period, quarterly reports to the CAO over a four year period, LAPD
3 reports over a four-year period, and any UHRC reports over dating back to 2018.
4 Defendant objects that the Request seeks documents that are not reasonably accessible
5 based on the undue burden and costs associated with searching for and producing
6 documents responsive to this Request for the reasons described above. Without waiving
7 any, and based on these, objections, no documents will be produced in response to this
8 Request.

9 **REQUEST FOR PRODUCTION NO. 36:**

10 All reports, summaries, statistics, analysis or data compilations related to the
11 enforcement of LAMC 56.11.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

13 Defendant incorporates the General Objections as though fully set forth here.
14 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
15 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
16 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
17 and Western. Defendant further objects that the Request seeks documents that are not
18 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
19 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
20 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
21 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
22 City's policies and practices are unconstitutional and not that each past application of
23 those policies and practices to its members was unconstitutional."). Defendant also
24 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
25 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
26 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
27 that the Request is overbroad and burdensome in seeking documents regarding
28 encampment cleanups involving LAMC 56.11 enforcement actions dating back over four

1 years to April 1, 2016 that are unrelated, and not relevant, to Plaintiff El Bey's specific
2 claims alleged in the SAC. Defendant also objects to the Request to the extent the
3 Request seeks information protected from disclosure by the attorney-client privilege and
4 or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
5 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
6 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
7 Sep. 9, 2013).

8 Defendant further objects that the Request is burdensome and not proportional to
9 the needs of the case, insofar as the burden of searching for and producing any such
10 proposed discovery outweighs the benefit of such information for Plaintiff El Bey's
11 claims and Defendant's costs or expense in conducting the search and producing
12 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

13 Specifically, in order to search for and obtain documents responsive to the
14 Request, Defendant would need to search LASAN's WPIMS database to identify all
15 incidents constituting "encampment cleanups" as defined in the Request. Defendant
16 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
17 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
18 would have to conduct a query and search parameters within WPIMS to generate a report
19 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
20 incident/case number, and form of encampment cleanup. For each identified incident
21 number, Defendant would need to generate reports within WPIMS for the encampment
22 cleanup involving LAMC 56.11 enforcement actions, and collect associated health hazard
23 checklists by incident number.

24 For each identified incident number, Defendant would need to generate reports
25 within WPIMS for the encampment cleanup, and collect associated health hazard
26 checklists. Defendant would then have to conduct additional searches for encampment
27 cleanup pictures and media files by incident number that are not stored on WPIMS. The
28 number of pictures associated with an encampment cleanup could exceed over 700

1 pictures for one incident report. Defendant would also have to manually search for,
2 collect, and assemble related documents by incident number, including any posting
3 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
4 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
5 specified incident/case numbers for responsive encampment cleanups, Defendant would
6 then have to conduct searches for potentially responsive LAPD records for any incidents
7 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
8 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
9 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
10 Reports. In addition, Defendant would have to search for LAPD body worn video that
11 may exist for identified incidents involving LAPD HOPE Officers and review such video
12 for responsiveness to the Request. Defendant previously conducted a search for and
13 produced such incident-specific documents for the named individual plaintiffs' specific
14 incidents at CITY00001-2677.

15 Defendant would also need to search for potentially responsive documents or
16 information for encampment cleanups involving LAMC 56.11 enforcement actions as
17 defined in the Request that may be maintained within LASAN's Customer Service
18 Group's MyLA database for service requests. Defendant would have to conduct a search
19 parameter for service requests relating to encampment cleanups as defined in the Request
20 for the period from April 1, 2016 to the present and generate a report identifying service
21 requests for defined encampment cleanups by location address and date
22 range. Defendant would then need an analyst to manually review MyLA data and cross-
23 reference incident/case numbers, addresses, and dates identified by Defendant's WPIMS
24 query to determine potentially corresponding service requests for identified encampment
25 cleanups. Defendant would then have to prepare a separate report containing identified
26 service requests within the MyLA database corresponding to identified WPIMS
27 incident/case numbers for encampment cleanups.

1 In addition, Defendant would have to search for all statistical, analysis or data
2 compilations relating to encampment cleanups dating back to April 1, 2016. Defendant
3 would have to search for weekly service request reports regarding encampment cleanups
4 over a four-year period, quarterly reports to CAO over a four-year period, LAPD reports
5 over a four-year period, and any UHRC reports over dating back to 2018. Defendant
6 objects that the Request seeks documents that are not reasonably accessible based on the
7 undue burden and costs associated with searching for and producing documents
8 responsive to this Request for the reasons described above. Without waiving any, and
9 based on these, objections, no documents will be produced in response to this Request.

10 **REQUEST FOR PRODUCTION NO. 37:**

11 All personal property chain of custody forms, used to in relation to property seized
12 during ENCAMPMENT CLEANUPS.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
16 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
17 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
18 and Western. Defendant further objects that the Request seeks documents that are not
19 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
20 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
21 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
22 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
23 City's policies and practices are unconstitutional and not that each past application of
24 those policies and practices to its members was unconstitutional."). Defendant also
25 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
26 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
27 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
28 that the Request is overbroad in seeking all chain of custody forms used for encampment

1 cleanups dating back to April 2016, three years before Plaintiff El-Bey's specific alleged
2 incidents occurred. Defendant further objects that Request is not proportional to the
3 needs of the case, insofar as the burden or expense of searching for and producing all
4 forms used by any contractor or subcontractor dating back to April 2016 outweighs the
5 benefit of such irrelevant discovery to Plaintiff El Bey's specific claims alleged in the
6 SAC. Without waiving any, and based on these objections, Defendant will produce a
7 copy of the chain-of-custody form used for removed property during encampment
8 cleanups occurring on or after January 1, 2019.

9 **REQUEST FOR PRODUCTION NO. 38:**

10 All Government Tort Claims filed against the CITY related to the seizure and/or
11 destruction of homeless people's belongings.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

13 Defendant incorporates the General Objections as though fully set forth here.
14 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
15 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
16 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
17 and Western. Defendant further objects that the Request seeks documents that are not
18 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
19 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
20 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
21 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
22 City's policies and practices are unconstitutional and not that each past application of
23 those policies and practices to its members was unconstitutional."). Defendant also
24 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
25 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
26 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
27 that the Request is overbroad and burdensome in seeking all government tort claims filed
28 against the City dating back four years to April 1, 2016 that are unrelated, and not

relevant, to Plaintiff El Bey's specific claims alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing any such proposed discovery outweighs the benefit of such information for Plaintiff El Bey's claims and Defendant's costs or expense in conducting the search and producing documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

Specifically, during the period from April 1, 2016 to July 30, 2020, a total of 26,775 government tort claims were filed against the City. In order to search for and produce documents responsive to this Request, Defendant would need to create search parameters to query Defendant's City Attorney's Office Citylaw database to search government claims filed during this period; however, there are no fields to identify or segregate claims filed relating to the seizure or destruction of homeless people's belongings and such claims could be input into the database by different causes relating to civil rights, property, miscellaneous, and input as claims against different departments, such as LASAN, LAPD, or the City. Defendant would have to run multiple queries to identify potentially responsive government claims out of these 26,775 claims by claim number. Defendant would then need to assign an administrative clerk to manually pull and review identified government claims by claim number to determine responsiveness. In addition, Defendant objects that there are likely government tort claims not stored within Citylaw, which would require a further search of hard copy files of government claims stored offsite that would need to be recalled from storage and manually searched for responsive documents. Defendant objects that the Request seeks documents that are not reasonably accessible based on the undue burden and costs associated with searching

1 for and producing documents responsive to this Request for the reasons described
2 above. Without waiving any, and based on these objections, Defendant will produce the
3 government claim filed by Plaintiff El-Bey and the other individual plaintiffs in this
4 action, but no other documents will be produced in response to this Request.

5 **REQUEST FOR PRODUCTION NO. 39:**

6 All complaints or grievances filed against the CITY, including the LAPD, related
7 to the seizure and/or destruction of homeless people's belongings.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

9 Defendant incorporates the General Objections as though fully set forth here.
10 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
11 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
12 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
13 and Western. Defendant further objects that the Request seeks documents that are not
14 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
15 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
16 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
17 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
18 City's policies and practices are unconstitutional and not that each past application of
19 those policies and practices to its members was unconstitutional."). Defendant also
20 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
21 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
22 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
23 that the Request is overbroad and burdensome in seeking all claims or grievances filed
24 against the City and LAPD relating to seizure or destruction of homeless property dating
25 back four years to April 1, 2016 that are unrelated, and not relevant, to Plaintiff El Bey's
26 specific claims alleged in the SAC. Defendant also objects to the Request to the extent
27 the Request seeks information protected from disclosure by the attorney-client privilege
28 and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*

1 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
2 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
3 Sep. 9, 2013).

4 Defendant further objects that the Request is burdensome and not proportional to
5 the needs of the case, insofar as the burden of searching for and producing any such
6 proposed discovery outweighs the benefit of such information for Plaintiff El Bey's
7 claims and Defendant's costs or expense in conducting the search and producing
8 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

9 Specifically, in order to search for and obtain documents responsive to the
10 Request, Defendant would need to conduct a search within LAPD's Complaint
11 Management System ("CMS"). LAPD logged over 12,000 complaints within CMS over
12 the four-period dating back to April 2016. Each complaint is logged into the system and
13 maintained by a separate complaint-file (CF) number and categorized using codes for
14 allegation type, such as conduct unbecoming, misconduct, or bias. CMS does not contain
15 search field for allegation types based on seizure or destruction of property. Defendant
16 would have to assign an LAPD analyst to conduct queries of search terms through
17 digitized copies of over 12,000 complaints to locate potentially responsive documents to
18 the Request. A complete and closed complaint file contains approximately 100-250
19 pages, including forms for initial intake, field reports, investigative reports, medical
20 information, other legal documentation, and other administrative reports or decisions.
21 After running the search query, an analyst would have to identify complaint files by CF
22 number and manually review each complaint file to determine responsiveness and the
23 existence of confidential information, including medical information, that may require
24 redaction. The average time required to collect, review, and redact a complaint file is
25 approximately four hours.

26 In addition, Defendant would need to create search parameters to query
27 Defendant's City Attorney's Office Citylaw database to search government claims filed
28 against the City from April 1, 2016 to the present. A total of 26,775 government tort

1 claims were filed against the City during the period from April 1, 2016 to July 30, 2020.
2 Defendant's Citylaw database does not contain search fields to identify or segregate
3 claims filed relating to the seizure or destruction of homeless people's belongings and
4 such claims could be input into the database by different causes relating to civil rights,
5 property, miscellaneous, and input as claims against different departments, such as
6 LASAN, LAPD, or the City. Defendant would have to run multiple queries to identify
7 potentially responsive claims out of these 26,775 claims by claim number. Defendant
8 would then need to assign an administrative clerk to manually pull and review identified
9 government claims by claim number to determine responsiveness. In addition, Defendant
10 objects that there are likely government tort claims not stored within Citylaw, which
11 would require a further search of hard copy files of government claims stored offsite that
12 would need to be recalled from storage and manually searched for responsive documents.

13 Defendant objects that the Request seeks documents that are not reasonably
14 accessible based on the undue burden and costs associated with searching for and
15 producing documents responsive to this Request for the reasons described
16 above. Without waiving any, and based on these objections, Defendant will produce the
17 LAPD's complaint file for claims filed by the individual plaintiffs, and the individual
18 plaintiffs' government tort claims filed with the City, but no other documents will be
19 produced in response to this Request.

20 **REQUEST FOR PRODUCTION NO. 40:**

21 All police reports filed regarding seizure and/or destruction of homeless people's
22 belongings by the CITY, including by the LAPD or LA Sanitation.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

24 Defendant incorporates the General Objections as though fully set forth here.
25 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
26 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
27 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
28 and Western. Defendant further objects that the Request seeks documents that are not

1 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
2 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
3 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
4 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
5 City's policies and practices are unconstitutional and not that each past application of
6 those policies and practices to its members was unconstitutional."). Defendant also
7 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
8 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
9 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
10 that the Request is overbroad and burdensome in seeking all police reports filed regarding
11 the seizure or destruction of homeless people's belongings dating back four years to April
12 1, 2016 that are unrelated, and not relevant, to Plaintiff El Bey's specific claims alleged
13 in the SAC.

14 Defendant further objects that the Request is burdensome and not proportional to
15 the needs of the case, insofar as the burden of searching for and producing any such
16 proposed discovery outweighs the benefit of such information for Plaintiff El Bey's
17 claims and Defendant's costs or expense in conducting the search and producing
18 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

19 Specifically, in order to search for and obtain documents responsive to the
20 Request, Defendant would need to identify search parameters to conduct a search within
21 LAPD's Automated Data System to identify Department Report (DR) numbers that may
22 relate to reports involving homeless individuals. Defendant located over 48,000 DR
23 numbers potentially relating to homeless individuals and over 3,300 DR numbers relating
24 to Release from Custody (RFC) citations for violation of LAMC 56.11. In order to
25 search for potentially responsive records, Defendant would need an analyst to create an
26 excel file extracting date from the query by DR number. Defendant would then need to
27 assign personnel to pull and review records by DR number to determine responsiveness
28 for over 48,000 DR files. Defendant would also need to pull and review RFCs for

1 violation of LAMC 56.11. To do so, Defendant would have to search over 102,000 RFCs
2 to locate the approximately 3,300 RFCs for violation for LAMC 56.11, and would also
3 need to locate and retrieve RFC files for storage to conduct the search for RFCs.
4 Defendant estimates that it would take approximately 1,950 hours for an administrative
5 clerk to locate, obtain and review over 100,000 RFCs and separate and copy over 3,300
6 RFCs for LAMC 56.11.

7 Defendant objects that the Request seeks documents that are not reasonably
8 accessible based on the undue burden and costs associated with searching for and
9 producing documents responsive to this Request for the reasons described
10 above. Without waiving any, and based on these objections, no documents will be
11 produced in response to this Request.

12 **REQUEST FOR PRODUCTION NO. 41:**

13 All DOCUMENTS related to any investigation, response or COMMUNICATION
14 regarding or related to any complaint, police report or grievance filed with the CITY
15 regarding seizure and/or destruction of homeless people's belongings by the CITY,
16 including the LAPD or LA Sanitation.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

18 Defendant incorporates the General Objections as though fully set forth here.

19 Defendant objects that the Request seeks documents that are not relevant to
20 Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or
21 around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at
22 Oakwood and Western. Defendant further objects that the Request seeks documents that
23 are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck
24 Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied
25 LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7
26 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that
27 the City's policies and practices are unconstitutional and not that each past application of
28 those policies and practices to its members was unconstitutional."). Defendant also

1 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
2 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
3 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
4 that the Request is overbroad and burdensome in seeking all police reports filed regarding
5 the seizure or destruction of homeless people's belongings dating back four years to April
6 1, 2016 that are unrelated, and not relevant, to Plaintiff El Bey's specific claims alleged
7 in the SAC. Defendant also objects to the Request to the extent the Request seeks
8 information protected from disclosure by the attorney-client privilege and or attorney
9 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
10 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
11 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

12 Defendant further objects that the Request is burdensome and not proportional to
13 the needs of the case, insofar as the burden of searching for and producing any such
14 proposed discovery outweighs the benefit of such information for Plaintiff El Bey's
15 claims and Defendant's costs or expense in conducting the search and producing
16 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

17 Specifically, in order to search for and obtain documents responsive to the
18 Request, Defendant would need to identify search parameters to conduct a search within
19 LAPD's Automated Data System to identify Department Report (DR) numbers that may
20 relate to reports involving homeless individuals. Defendant located over 48,000 DR
21 numbers potentially relating to homeless individuals and over 3,300 DR numbers relating
22 to Release from Custody (RFC) citations for violation of LAMC 56.11. In order to
23 search for potentially responsive records, Defendant would need an analyst to create an
24 excel file extracting data from the query by DR number. Defendant would then need to
25 assign personnel to pull and review records by DR number to determine responsiveness
26 for over 48,000 DR files. Defendant would also need to pull and review RFCs for
27 violation of LAMC 56.11. To do so, Defendant would have to search over 102,000 RFCs
28 to locate the approximately 3,300 RFCs for violation for LAMC 56.11, and would also

1 need to locate and retrieve RFC files for storage to conduct the search for RFCs.
2 Defendant estimates that it would take approximately 1,950 hours for an administrative
3 clerk to locate, obtain and review over 100,000 RFCs and separate and copy over 3,300
4 RFCs for LAMC 56.11.

5 Defendant would also need to conduct a search within LAPD's CMS. LAPD
6 logged over 12,000 complaints within CMS over the four-period dating back to April
7 2016. Each complaint is logged into the system and maintained by a separate complaint-
8 file (CF) number and categorized using codes for allegation type, such as conduct
9 unbecoming, misconduct, or bias. CMS does not contain search field for allegation types
10 based on seizure or destruction of property. Defendant would have to assign an LAPD
11 analyst to conduct queries of search terms through digitized copies of over 12,000
12 complaints to locate potentially responsive documents to the Request. A complete and
13 closed complaint file contains approximately 100-250 pages, including forms for initial
14 intake, field reports, investigative reports, medical information, other legal
15 documentation, and other administrative reports or decisions. After running the search
16 query, an analyst would have to identify complaint files by CF number and manually
17 review each complaint file to determine responsiveness and the existence of confidential
18 information, including medical information, that may require redaction. The average
19 time required to collect, review, and redact a complaint file is approximately four hours.

20 Defendant would need to create search parameters to query Defendant's City
21 Attorney's Office Citylaw database to search government claims filed against the City
22 from April 1, 2016 to the present. A total of 26,775 government tort claims were filed
23 against the City during the period from April 1, 2016 to July 30, 2020. Defendant's
24 Citylaw database does not contain search fields to identify or segregate claims filed
25 relating to the seizure or destruction of homeless people's belongings and such claims
26 could be input into the database by different causes relating to civil rights, property,
27 miscellaneous, and input as claims against different departments, such as LASAN,
28 LAPD, or the City. Defendant would have to run multiple queries to identify potentially

1 responsive claims out of these 26,775 claims by claim number. Defendant would then
2 need to assign an administrative clerk to manually pull and review identified government
3 claims by claim number to determine responsiveness. In addition, Defendant objects that
4 there are likely government tort claims not stored within Citylaw, which would require a
5 further search of hard copy files of government claims stored offsite that would need to
6 be recalled from storage and manually searched for responsive documents.

7 In addition, after identifying all police reports, complaints, and grievances,
8 Defendant would have to investigate the identity of all potential custodians who may
9 have sent or received communications regarding the investigation or response to such
10 complaints, reports, or grievances. Defendant would then have to conduct search
11 parameters for all communications over a four-year period involving all identified
12 custodians from different City departments.

13 Defendant uses an email system known as CityMail that is based on an
14 implementation of Google Apps Premier Edition and is used by nearly every City entity,
15 including 40 different departments. Defendant's CityMail system uses the Google Vault
16 system for archiving emails. Google Vault is a cloud-based data storage system; rather
17 than being stored on locally managed servers, the archived email data is stored on remote
18 servers that are managed by Google, Inc. and are only accessible to Defendant's office
19 via the internet. In order to search the email archives, Defendant's ITA must formulate a
20 search query utilizing the search terms and restrictions provided by the requester.
21 Depending on the number and complexity of search terms, the number of email accounts
22 or document custodians, and the breadth of the search, ITA may need to formulate more
23 than one search query and scan the stored data multiple times. When the search
24 completes, Google Vault provides preliminary information regarding the email data
25 gathered by the search. In order to access the actual emails, however, the entire store of
26 data must first be exported from the cloud-servers to a different "download" server to
27 which ITA can connect via the internet and from which ITA can then download the data.
28 Depending on the size of the data, the download process may be the most time-

1 consuming part of gathering the email data. Even when ITA allocates multiple personnel
2 to conduct search queries in order to speed up the archived email search and collection
3 process, ITA is still limited by the speeds at which the data can be transferred from the
4 download server to Defendant's local data storage devices. As downloads of batches of
5 data become available, ITA begins the process of identifying the email addresses that
6 accompany the data against the list of individuals identified in the data request and
7 thereafter segregates the email stores of matching individuals. ITA would also identify
8 and screen emails of City Attorneys to begin the process of identifying and screening-out
9 the emails of city attorneys and may need to conduct subsequent queries to screen out
10 attorneys for purposes of compiling a list of excluded emails for a privilege log.

11 In addition, Defendant would need to determine whether a City department utilizes
12 systems-based network servers that may include network folders used to store or maintain
13 communications within a particular division or department section. In order to retrieve
14 systems-based server folders for review, Defendant would require a technology
15 professional who has administrator privileges to make a copy of the drive(s), which can
16 range in size by terabytes of data. In order to search certain folders on system-based
17 network drives, a technology professional who has administrator privileges, would use
18 the Microsoft Windows File Explorer search function, the limited search function
19 available by default on Windows. The limited search capabilities of the Windows File
20 Explorer search tool may not be able to accommodate full searches within documents or
21 Boolean searches. The resulting hits might include systems files, applications,
22 downloads, or media which may or may not be viewable. After Defendant has conducted
23 searches for electronically stored information, Defendant would require the use of an e-
24 discovery software and platform for Defendant's counsel to review, search, and tag
25 documents and electronically stored information for responsiveness or privilege.

26 Defendant objects that the Request seeks documents that are not reasonably
27 accessible based on the undue burden and costs associated with searching for and
28 producing documents responsive to this Request for the reasons described

1 above. Without waiving any, and based on these objections, no documents will be
2 produced in response to this Request.

3 **REQUEST FOR PRODUCTION NO. 42:**

4 All DOCUMENTS that identify the location of any STORAGE FACILITY.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

6 Defendant incorporates the General Objections as though fully set forth here.
7 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
8 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
9 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
10 and Western. Defendant further objects that the Request seeks documents that are not
11 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
12 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
13 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
14 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
15 City's policies and practices are unconstitutional and not that each past application of
16 those policies and practices to its members was unconstitutional."). Defendant also
17 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
18 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
19 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
20 that the Request is overbroad and burdensome in seeking all documents that identify any
21 storage facility dating back to April 2016, three years before Plaintiff El-Bey's specific
22 incidents occurred as alleged in the SAC. Defendant also objects to the Request to the
23 extent the Request seeks information protected from disclosure by the attorney-client
24 privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-
25 (B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v.*
26 *Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627,
27 * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing all documents
3 identifying the location of any storage facility dating back to April 2016 outweighs the
4 benefit of such information for Plaintiff El Bey's specific claims. Defendant also objects
5 that the proposed discovery is unreasonably cumulative and can be obtained through less
6 burdensome and less expensive means to determine the location of storage facilities.
7 Without waiving any, and based on these objections, Defendant will produce documents
8 sufficient to identify the name, address and location of the City's storage facilities used
9 for storage of homeless people's belongings since January 1, 2019, but no additional
10 documents will be produced in response to this Request.

11 **REQUEST FOR PRODUCTION NO. 43:**

12 All DOCUMENTS that identify the CITY's capacity to store property seized
13 pursuant to LAMC 56.11 or as part of an ENCAMPMENT CLEANUP, including but not
14 limited to any documents that discuss the number of storage spaces/bins/containers
15 available to store property, or the need for additional capacity.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

17 Defendant incorporates the General Objections as though fully set forth here.
18 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
19 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
20 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
21 and Western. Defendant further objects that the Request seeks documents that are not
22 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
23 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
24 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
25 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
26 City's policies and practices are unconstitutional and not that each past application of
27 those policies and practices to its members was unconstitutional."). Defendant also
28 objects that the proposed discovery is not relevant to establishing *Monell* liability for the

1 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
2 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
3 that the Request is overbroad and burdensome in seeking all documents that discuss the
4 City's storage capacity or the need to obtain additional capacity dating back to April
5 2016, three years before Plaintiff El-Bey's specific incidents occurred as alleged in the
6 SAC. Defendant also objects to the Request to the extent the Request seeks information
7 protected from disclosure by the attorney-client privilege and or attorney work product
8 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
9 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
10 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

11 Defendant further objects that the Request is burdensome and not proportional to
12 the needs of the case, insofar as the burden of searching for and producing all documents
13 identifying the City's storage capacity and the need to obtain additional storage capacity
14 of any storage facility dating back to April 2016 outweighs the benefit of such
15 information for Plaintiff El Bey's specific claims and Defendant's costs or expense in
16 conducting the search and producing documents greatly exceeds the amount in
17 controversy for Plaintiff's alleged damages.

18 In order to obtain all documents discussing the City's storage capacity or the need
19 to obtain additional storage capacity, Defendant would have to investigate the identity of
20 all potential custodians who may have sent or received communications regarding the
21 City's storage capacity or the need to obtain additional storage capacity dating back to
22 April 1, 2016. Defendant would then have to conduct search parameters for all
23 communications over a four-year period involving all identified custodians from different
24 City departments.

25 Defendant uses an email system known as CityMail that is based on an
26 implementation of Google Apps Premier Edition and is used by nearly every City entity,
27 including 40 different departments. Defendant's CityMail system uses the Google Vault
28 system for archiving emails. Google Vault is a cloud-based data storage system; rather

1 than being stored on locally managed servers, the archived email data is stored on remote
2 servers that are managed by Google, Inc. and are only accessible to Defendant's office
3 via the internet. In order to search the email archives, Defendant's ITA must formulate a
4 search query utilizing the search terms and restrictions provided by the requester.
5 Depending on the number and complexity of search terms, the number of email accounts
6 or document custodians, and the breadth of the search, ITA may need to formulate more
7 than one search query and scan the stored data multiple times. When the search
8 completes, Google Vault provides preliminary information regarding the email data
9 gathered by the search. In order to access the actual emails, however, the entire store of
10 data must first be exported from the cloud-servers to a different "download" server to
11 which ITA can connect via the internet and from which we can then download the data.
12 Depending on the size of the data, the download process the most time-consuming part of
13 gathering the email data. Even when ITA allocates multiple personnel to conduct search
14 queries in order to speed up the archived email search and collection process, ITA is still
15 limited by the speeds at which the data can be transferred from the download server to
16 Defendant's local data storage devices. As downloads of batches of data become
17 available, ITA begins the process of identifying the email addresses that accompany the
18 data against the list of individuals identified in the data request and thereafter segregates
19 the email stores of matching individuals. ITA would also identify and screen emails of
20 City Attorneys begin the process of identifying and screening-out the emails of city
21 attorneys and may need to conduct subsequent queries to screen out attorneys for
22 purposes of compiling a list of excluded emails for a privilege log.

23 In addition, Defendant would need to determine whether a City department utilizes
24 systems-based network servers that may include network folders used to store or maintain
25 communications within a particular division or department section. In order to retrieve
26 systems-based server folders for review, Defendant would require a technology
27 professional who has administrator privileges to make a copy of the drive(s), which can
28 range in size by terabytes of data. In order to search certain folders on system-based

1 network drives, a technology professional who has administrator privileges, would use
2 the Microsoft Windows File Explorer search function, the limited search function
3 available by default on Windows. The limited search capabilities of the Windows File
4 Explorer search tool may not be able to accommodate full searches within documents or
5 Boolean searches. The resulting hits might include systems files, applications,
6 downloads, or media which may or may not be viewable. After Defendant has conducted
7 searches for electronically stored information, Defendant would require the use of an e-
8 discovery software and platform for Defendant's counsel to review, search, and tag
9 documents and electronically stored information for responsiveness or privilege.

10 Defendant objects that the Request seeks documents that are not reasonably
11 accessible based on the undue burden and costs associated with searching for and
12 producing all communications responsive to this Request for the reasons described above.
13 Defendant also objects that the proposed discovery is unreasonably cumulative and can
14 be obtained through less burdensome and less expensive means to determine the capacity
15 of the City's storage facilities. Without waiving any, and based on these objections,
16 Defendant will produce documents sufficient to identify the City's storage capacity,
17 including the number of storage bins for storage facilities used for storage of homeless
18 people's belongings since January 1, 2019, but no additional documents will be produced
19 in response to this Request.

20 **REQUEST FOR PRODUCTION NO. 44:**

21 All DOCUMENTS that identify or discuss any change in the CITY's capacity to
22 store property seized pursuant to LAMC 56.11 or as part of ENCAMPMENT
23 CLEANUPS, including but not limited to any documents that discuss any
24 increase/decrease in the number of STORAGE FACILITIES or change in capacity of
25 existing STORAGE FACILITIES.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

27 Defendant incorporates the General Objections as though fully set forth here.
28 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-

1 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
2 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
3 and Western. Defendant further objects that the Request seeks documents that are not
4 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
5 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
6 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
7 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
8 City's policies and practices are unconstitutional and not that each past application of
9 those policies and practices to its members was unconstitutional."). Defendant also
10 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
11 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
12 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
13 that the Request is overbroad and burdensome in seeking all documents that discuss the
14 City's storage capacity or changes to the storage capacity dating back to April 2016, three
15 years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC.
16 Defendant also objects to the Request to the extent the Request seeks information
17 protected from disclosure by the attorney-client privilege and or attorney work product
18 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
19 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
20 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

21 Defendant further objects that the Request is burdensome and not proportional to
22 the needs of the case, insofar as the burden of searching for and producing all documents
23 identifying the City's storage capacity and storage capacity or changes in the storage
24 capacity dating back to April 2016 outweighs the benefit of such information for Plaintiff
25 El Bey's specific claims and Defendant's costs or expense in conducting the search and
26 producing documents greatly exceeds the amount in controversy for Plaintiff's alleged
27 damages.
28

1 In order to obtain all documents discussing the City's storage capacity storage
2 capacity or changes to the storage capacity, Defendant would have to investigate the
3 identity of all potential custodians who may have sent or received communications
4 regarding the City's storage capacity or changes to the storage capacity dating back to
5 April 1, 2016. Defendant would then have to conduct search parameters for all
6 communications over a four-year period involving all identified custodians from different
7 City departments.

8 Defendant uses an email system known as CityMail that is based on an
9 implementation of Google Apps Premier Edition and is used by nearly every City entity,
10 including 40 different departments. Defendant's CityMail system uses the Google Vault
11 system for archiving emails. Google Vault is a cloud-based data storage system; rather
12 than being stored on locally managed servers, the archived email data is stored on remote
13 servers that are managed by Google, Inc. and are only accessible to Defendant's office
14 via the internet. In order to search the email archives, Defendant's ITA must formulate a
15 search query utilizing the search terms and restrictions provided by the requester.
16 Depending on the number and complexity of search terms, the number of email accounts
17 or document custodians, and the breadth of the search, ITA may need to formulate more
18 than one search query and scan the stored data multiple times. When the search
19 completes, Google Vault provides preliminary information regarding the email data
20 gathered by the search. In order to access the actual emails, however, the entire store of
21 data must first be exported from the cloud-servers to a different "download" server to
22 which ITA can connect via the internet and from which we can then download the data.
23 Depending on the size of the data, the download process the most time-consuming part of
24 gathering the email data. Even when ITA allocates multiple personnel to conduct search
25 queries in order to speed up the archived email search and collection process, ITA is still
26 limited by the speeds at which the data can be transferred from the download server to
27 Defendant's local data storage devices. As downloads of batches of data become
28 available, ITA begins the process of identifying the email addresses that accompany the

1 data against the list of individuals identified in the data request and thereafter segregates
2 the email stores of matching individuals. ITA would also identify and screen emails of
3 City Attorneys begin the process of identifying and screening-out the emails of city
4 attorneys and may need to conduct subsequent queries to screen out attorneys for
5 purposes of compiling a list of excluded emails for a privilege log.

6 In addition, Defendant would need to determine whether a City department utilizes
7 systems-based network servers that may include network folders used to store or maintain
8 communications within a particular division or department section. In order to retrieve
9 systems-based server folders for review, Defendant would require a technology
10 professional who has administrator privileges to make a copy of the drive(s), which can
11 range in size by terabytes of data. In order to search certain folders on system-based
12 network drives, a technology professional who has administrator privileges, would use
13 the Microsoft Windows File Explorer search function, the limited search function
14 available by default on Windows. The limited search capabilities of the Windows File
15 Explorer search tool may not be able to accommodate full searches within documents or
16 Boolean searches. The resulting hits might include systems files, applications,
17 downloads, or media which may or may not be viewable. After Defendant has conducted
18 searches for electronically stored information, Defendant would require the use of an e-
19 discovery software and platform for Defendant's counsel to review, search, and tag
20 documents and electronically stored information for responsiveness or privilege.

21 Defendant objects that the Request seeks documents that are not reasonably
22 accessible based on the undue burden and costs associated with searching for and
23 producing all communications responsive to this Request for the reasons described above.
24 Defendant also objects that the proposed discovery is unreasonably cumulative and can
25 be obtained through less burdensome and less expensive means to determine changes to
26 the City's storage capacity. Without waiving any, and based on these objections,
27 Defendant will produce documents sufficient to identify the City's storage capacity,
28 including the number of storage bins for storage facilities used for storage of homeless

1 people's belongings since January 1, 2019, but no additional documents will be produced
2 in response to this Request.

3 **REQUEST FOR PRODUCTION NO. 45:**

4 All statistics, reports, analysis, or data compilations related to the use or capacity of
5 STORAGE FACILITIES.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

7 Defendant incorporates the General Objections as though fully set forth here.
8 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
9 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
10 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
11 and Western. Defendant further objects that the Request seeks documents that are not
12 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
13 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
14 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
15 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
16 City's policies and practices are unconstitutional and not that each past application of
17 those policies and practices to its members was unconstitutional."). Defendant also
18 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
19 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
20 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
21 that the Request is overbroad and burdensome in seeking all statistics, reports, analysis,
22 or data compilations relate to the use of storage capacity dating back to April 2016, three
23 years before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC.
24 Defendant also objects to the Request to the extent the Request seeks information
25 protected from disclosure by the attorney-client privilege and or attorney work product
26 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
27 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
28 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing all statistics,
3 reports, analysis, or data compilations relate to the use of storage capacity dating back to
4 April 2016 outweighs the benefit of such information for Plaintiff El Bey's specific
5 claims. Defendant also objects that the proposed discovery is unreasonably cumulative
6 and can be obtained through less burdensome and less expensive means to determine the
7 use or capacity of storage facilities. Without waiving any, and based on these objections,
8 Defendant will produce documents sufficient to show the use or capacity of storage
9 facilities used for homeless people's belongings since January 1, 2019, but no additional
10 documents will be produced in response to this Request.

11 **REQUEST FOR PRODUCTION NO. 46:**

12 All DOCUMENTS that show how much property has been stored at STORAGE
13 FACILITIES.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
17 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
18 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
19 and Western. Defendant further objects that the Request seeks documents that are not
20 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
21 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
22 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
23 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
24 City's policies and practices are unconstitutional and not that each past application of
25 those policies and practices to its members was unconstitutional."). Defendant also
26 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
27 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
28 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects

1 that the Request is overbroad and burdensome in seeking all documents that show how
2 much property has been stored at storage facilities dating back to April 2016, three years
3 before Plaintiff El-Bey's specific incidents occurred as alleged in the SAC. Defendant
4 also objects to the Request to the extent the Request seeks information protected from
5 disclosure by the attorney-client privilege and or attorney work product
6 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
7 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
8 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

9 Defendant further objects that the Request is burdensome and not proportional to
10 the needs of the case, insofar as the burden of searching for and producing all documents
11 that show how much property has been stored at storage facilities dating back to April
12 2016 outweighs the benefit of such information for Plaintiff El Bey's specific claims.
13 Defendant objects that the Request seeks documents that are not reasonably accessible
14 based on the undue burden and costs associated with searching for and producing all
15 documents relating to storage records for 41,734 encampment cleanups conducted since
16 April 1, 2016. Defendant also objects that the proposed discovery is unreasonably
17 cumulative and can be obtained through less burdensome and less expensive means to
18 determine the use or capacity of storage facilities. Without waiving any, and based on
19 these objections, Defendant will produce documents sufficient to show the City's storage
20 capacity for storage facilities used for homeless people's belongings since January 1,
21 2019, but no additional documents will be produced in response to this Request.

22 **REQUEST FOR PRODUCTION NO. 47:**

23 All DOCUMENTS that track or document when, where, what, and/or how much
24 property is taken or seized by the CITY pursuant to LAMC 56.11.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

26 Defendant incorporates the General Objections as though fully set forth here.
27 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
28 Bey's specific claims alleged in the SAC relating to incidents occurring on or around

1 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
2 and Western. Defendant further objects that the Request seeks documents that are not
3 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
4 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
5 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
6 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
7 City's policies and practices are unconstitutional and not that each past application of
8 those policies and practices to its members was unconstitutional."). Defendant also
9 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
10 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
11 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
12 that the Request is overbroad and burdensome in seeking all documents that show how
13 much property was seized as part of encampment cleanups conducted since April 1 2016.
14 Defendant also objects to the Request to the extent the Request seeks information
15 protected from disclosure by the attorney-client privilege and or attorney work product
16 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
17 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
18 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

19 Defendant further objects that the Request is burdensome and not proportional to
20 the needs of the case, insofar as the burden of searching for and producing all documents
21 that show all details for how much property was seized for all encampment cleanups
22 conducted since April 1, 2016 outweighs the benefit of such information for Plaintiff El
23 Bey's specific claims. Defendant objects that the Request seeks documents that are not
24 reasonably accessible based on the undue burden and costs associated with searching for
25 and producing all documents relating to storage records for 41,734 encampment cleanups
26 conducted since April 1, 2016. Defendant also objects that the proposed discovery is
27 unreasonably cumulative and can be obtained through less burdensome and less
28 expensive means to determine the use or capacity of storage facilities. Without waiving

any, and based on these objections, Defendant will produce documents sufficient to show total amounts of property removed and discarded or stored as part of encampment cleanups dating back to January 1, 2019, but no additional documents will be produced in response to this Request.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS that track or document when, where, what, and/or how much property that is taken or seized pursuant to LAMC 56.11 is stored.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad and burdensome in seeking all documents that show how much property was stored as part of encampment cleanups conducted since April 1, 2016. Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.

503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all documents that show all details for how much property was stored for all encampment cleanups conducted since April 1, 2016 outweighs the benefit of such information for Plaintiff El Bey's specific claims. Defendant objects that the Request seeks documents that are not reasonably accessible based on the undue burden and costs associated with searching for and producing all documents relating to storage records for 41,734 encampment cleanups conducted since April 1, 2016. Defendant also objects that the proposed discovery is unreasonably cumulative and can be obtained through less burdensome and less expensive means to determine the use or capacity of storage facilities. Without waiving any, and based on these objections, Defendant will produce documents sufficient to show total amounts of property removed and discarded or stored as part of encampment cleanups dating back to January 1, 2019, but no additional documents will be produced in response to this Request.

REQUEST FOR PRODUCTION NO. 49:

All DOCUMENTS that track or document when, where, what, how much, and by whom property that is stored in STORAGE FACILITIES has been retrieved or destroyed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the SAC relating to incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he

1 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
2 City's policies and practices are unconstitutional and not that each past application of
3 those policies and practices to its members was unconstitutional."). Defendant also
4 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
5 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
6 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
7 that the Request is overbroad and burdensome in seeking all documents that show how
8 much stored property was recovered as part of encampment cleanups conducted since
9 April 1, 2016. Defendant also objects to the Request to the extent the Request seeks
10 information protected from disclosure by the attorney-client privilege and or attorney
11 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
12 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
13 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

14 Defendant further objects that the Request is burdensome and not proportional to
15 the needs of the case, insofar as the burden of searching for and producing all documents
16 that show all details for how much property was stored for all encampment cleanups
17 conducted since April 1, 2016 outweighs the benefit of such information for Plaintiff El
18 Bey's specific claims. Defendant objects that the Request seeks documents that are not
19 reasonably accessible based on the undue burden and costs associated with searching for
20 and producing all documents relating to storage records for 41,734 encampment cleanups
21 conducted since April 1, 2016. Defendant also objects that the proposed discovery is
22 unreasonably cumulative and can be obtained through less burdensome and less
23 expensive means to determine the amount of recovered property. Without waiving any,
24 and based on these objections, Defendant will produce documents sufficient to show total
25 amounts of property that was removed, stored and recovered or discarded as part of
26 encampment cleanups dating back to January 1, 2019, but no additional documents will
27 be produced in response to this Request.

1 Dated: August 12, 2020

MICHAEL N. FEUER, CITY ATTORNEY
KATHLEEN KENEALY, CH. ASST. CITY ATTORNEY
SCOTT MARCUS, CH. CIVIL LITIGATION BRANCH
GABRIEL DERMER, ASST. CITY ATTORNEY
FELIX LEBRON, **DEPUTY CITY ATTORNEY**
A. PATRICIA URSEA, DEPUTY CITY ATTORNEY

6 By: /s/ Felix Lebron
7 FELIX LEBRON
8 Deputy City Attorney
9 Attorneys for Defendant
CITY OF LOS ANGELES

PROOF OF SERVICE

I, Felix Lebron, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 200 North Main Street, Room 675, Los Angeles, CA 90012.

On August 12, 2020, I served a copy of the following document(s) described as:

DEFENDANT CITY OF LOS ANGELES' RESPONSES AND OBJECTION TO PLAINTIFF ALI EL-BEY'S REQUESTS FOR PRODUCTION OF DOCUMENTS – SET ONE on the interested parties in this action as follows:

☒ **BY E-MAIL**

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the email transmission is returned as undeliverable.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 12, 2020, at Los Angeles, California.

/s/ Felix Lebron

Felix Lebron

SERVICE LIST

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EXHIBIT C

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Attorneys for Defendant CITY OF LOS ANGELES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Janet Garcia, et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity,

Defendant.

CASE NO.: 2:19-CV-6182-DSF-PLA
[Assigned to the Hon. Dale S. Fischer]

**DEFENDANT CITY OF LOS
ANGELES' AMENDED RESPONSES
AND OBJECTIONS TO
PLAINTIFFS' REQUESTS FOR
PRODUCTION OF DOCUMENTS –
SET ONE**

RESPONDING PARTY : Defendant CITY OF LOS ANGELES

PROPOUNDING PARTY: Plaintiffs

SET NUMBER: One

1 Defendant City of Los Angeles (“Defendant” or “City”) amends its August 12,
2 2020 responses and objections to Plaintiff Ali El Bey Requests for Production of
3 Document – Set One, based on Defendant’s September 25, 2020 meet-and-confer letter to
4 Plaintiffs and agreement that these amended responses and objections shall apply to the
5 RFPs as if there were served on behalf of all existing named Plaintiffs in this action and
6 not just Plaintiff El-Bey, and pursuant to Rules 26 and 34 of the Federal Rules of Civil
7 Procedure and Central District of California Local Rule 34-2. Defendant’s amended
8 responses and objections to Plaintiffs’ Request for Production – Set One, are as follows:

9 **PRELIMINARY STATEMENT**

10 Defendant makes this response to Plaintiffs’ Requests for Production of
11 Documents solely for the purpose of this action. Each response is subject to all
12 objections as to competence, relevance, materiality, propriety, admissibility, privilege,
13 privacy, proprietary information, trade secrets and the like, and any and all other
14 objections on grounds that would require the exclusion of any response herein if such
15 were offered in court, all of which objections and grounds are reserved and may be
16 interposed at the time of trial.

17 The identification of any document by Defendant should not constitute a waiver of
18 its rights to assert a privilege or objection as to any other document and right to withhold
19 the production thereof. The fact that a document is identified should not be taken as a
20 concession of Defendant’s right to withhold any other document pursuant to an
21 appropriate claim of privilege or objection, nor is a concession or waiver of said rights to
22 be implied or inferred by propounding party.

23 No incidental or implied admissions are intended in these responses. The fact that
24 Defendant has responded to any or all of any demand should not be taken as an admission
25 that Defendant accepts or admits the existence of any facts set forth or assumed by such
26 demand or that such response constitutes admissible evidence. The fact that Defendant
27 has responded to any or all of any demand is not intended to and shall not be construed to
28 be a waiver by Defendant of all or any part of any objection to any demand.

1 Defendant has not completed (a) investigation of the facts relating to this case, (b)
2 discovery in this action, or (c) preparation for trial. The following responses are based
3 upon information known at this time and are given without prejudice to provide and use
4 any subsequently discovered information at trial.

5 This preliminary statement is incorporated herein by reference to each of the
6 responses below as if stated in full.

7 **GENERAL OBJECTIONS**

8 Defendant makes the following general objections to each Request propounded by
9 Plaintiff:

10 Defendant objects to each and every Request insofar as said Request seeks the
11 disclosure of communications or information protected by the attorney-client privilege,
12 the attorney work product doctrine, the official information privilege or any other
13 privilege. Plaintiffs' Requests seek interpretation of the significance of documents as
14 they apply to legal and factual issues of this case. This information is part of the work
15 product of Defendant and its attorneys of record with regard to this litigation and
16 therefore is privileged and undiscoverable. Plaintiffs are presumably capable of
17 determining which documents relate to special factual and legal issues and consequently
18 any attempt by Plaintiffs to require Defendant and its attorneys to prepare Plaintiffs' case.
19 Defendant hereby claims such privileges and to the extent that Defendant inadvertently
20 provides information that may arguably be protected from discovery under the attorney-
21 client privilege or the work product doctrine, such inadvertent disclosure does not
22 constitute a waiver of any such privilege or doctrine.

23 Defendant objects to each and every Request insofar as it seeks identification of all
24 persons having knowledge of the information requested in the demand or the facts
25 referred to in the response thereto, on the grounds that such information would
26 necessarily be incomplete. Individuals having knowledge of specific facts with respect to
27 specific demands may be named in the files and documents referred to by Defendant in
28 its responses to said Requests.

1 Defendant objects to each and every Request insofar as it seeks identification of all
2 writings which support the facts provided in responses to that demand on the grounds that
3 providing such information would be unduly burdensome and oppressive. Defendant has
4 made available for inspection and copying, the project files relating to the contract which
5 is the subject of this litigation. To identify each and every document which relates to any
6 given issue in this complex litigation would require the Defendant to make a compilation,
7 abstract, audit or summary of its business records and such a compilation, abstract, audit
8 or summary does not exist. Therefore Defendant refers Plaintiffs to Defendant's business
9 records and files which have been referenced in individual Request responses.

10 Except for the references to specific documents in the text of the individual
11 answers, Defendant has not attempted to specify each individual demand to which each
12 document is relevant. Most of the documents relate to more than one of the individual
13 demands due to the overlapping of the subject matter of the demands and documents.
14 The relevance of each document to the various issues addressed by these demands is
15 apparent from the contents of each document. Defendant declines to list specific
16 documents which relate to particular problems for the following reasons:

17 a. Such a designation would be unduly burdensome and oppressive in that it
18 would require Defendant to make a compilation, abstract audit or summary of its
19 voluminous business records related to the subject of this litigation herein and such a
20 compilation, abstract, audit or summary does not now exist. On this ground, Defendant
21 refers Plaintiffs to Defendant's files and records which have been made available to
22 Plaintiffs for inspection and copying.

23 b. The analysis of Defendant's documents and files and the interpretation of the
24 significance of each specific document as it applies to the legal and factual issues of this
25 case are part of the work product of Defendant and its attorneys with regard to this
26 litigation and therefore not subject to discovery at this time. Defendant and its attorneys
27 of record are presumably equally capable of determining which documents relate to
28 specific legal and factual issues and any attempt to require Defendant to require

1 Defendant to make and disclose such analysis is an improper attempt by Plaintiffs to
2 require Defendant and its attorneys to prepare Plaintiffs' case.

3 c. Defendant's responses do not attempt to identify or designate any documents
4 of any other parties to this action, including the inquiring party, which supports the facts
5 offered by Defendant in support of its responses with the exception of those documents
6 which are contained in Defendant's own files and records related to the project.
7 Defendant is informed and believes that many of the documents which Defendant is still
8 in the process of discovering and analyzing will support Defendant's contention in this
9 lawsuit and Defendant reserves the right to relay on any such documents in support of its
10 contentions.

11 Defendant objects to each and every Request insofar as the Requests are vague,
12 ambiguous, overly broad, unduly burdensome, oppressive, harassing, and seek
13 information and documents not relevant the subject matter of the pending action.

14 Defendant objects to each and every Request insofar as the Requests are not
15 proportional to the needs of the pending action, considering the importance of the issues
16 at stake in the action, the amount in controversy, the parties' relative access to
17 information, the parties' resources, the importance of discovery in resolving the issues,
18 and whether there the burden or expense of the proposed discovery outweighs its likely
19 benefits.

20 Defendant objects to each and every Request insofar as the Requests seek private
21 and confidential information protected from disclosure under the U.S. and California
22 Constitution and privacy laws.

23 Defendant objects to each and every Request insofar as said Request seeks to
24 impose obligations upon Defendant not required by the Federal Rules of Civil Procedure
25 or the Local Rules of the Central District of California. Defendant will not comply with
26 any part of these Requests which impose obligations upon Defendant not required by
27 such rules.
28

1 These General Objections shall be deemed incorporated into each and every
2 specific response below.

3 **RESERVATION OF RIGHT TO SUPPLEMENT OR MODIFY RESPONSES**

4 Defendant reserves the right to supplement, modify, or correct its responses and
5 objections to the Requests, or any part of them, as Defendant acquires additional
6 information in the course of its investigation and discovery in this action.

7 **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS**

8 Without waiving or limiting in any manner any of the foregoing General
9 Objections, but rather incorporating them into each of the following responses to the
10 extent applicable, Defendant's amended responses and objections to the Plaintiffs'
11 Requests for Production, Set One, are as follows:

12 **REQUEST FOR PRODUCTION NO. 1:**

13 All DOCUMENTS that refer to or relate to any of the individual plaintiffs in this
14 action.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

16 Defendant incorporates the General Objections as though fully set forth here.
17 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
18 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
19 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
20 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
21 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
22 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
23 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
24 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
25 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
26 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
27 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
28 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019

1 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
2 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects to the
3 Request to the extent it calls for production of confidential information, such as criminal
4 records, referencing third parties or involving other individual plaintiffs. Defendant
5 objects to the Request to the extent the Request seeks information protected from
6 disclosure by the attorney-client privilege and or attorney work product doctrines.
7 F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507
8 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx),
9 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013). Defendant objects that
10 the Request is not proportional to the needs of the case, insofar as the burden or expense
11 of searching for and producing any such proposed discovery outweighs the benefit of
12 such information for individual Plaintiffs' specific claims alleged in the SAC. Subject to
13 and without waiving these objections, Defendant responds as follows: Defendant
14 previously produced non-privileged documents responsive to this Request and will
15 produce additional non-privileged, responsive documents, if any, relating to individual
16 Plaintiffs in Defendant's possession, custody or control.

17 **REQUEST FOR PRODUCTION NO. 2:**

18 All DOCUMENTS that refer or relate to ENCAMPMENT CLEANUPS conducted
19 in the following areas between January 1, 2018 and the present:

- 20 a. Between 8th St. and 5th St. to the North and South, and Mariposa and
21 Hobart, to the East and West;
22 b. Aetna St., between Van Nuys Blvd. and Hazeltine Ave.;
23 c. Between Aetna and Delano St. to the North and South, and Kester
24 Ave., and Van Nuys Blvd to the East and West;
25 d. Figueroa, between 51st and 55th St.;
26 e. Lomita Blvd. between Figueroa and Vermont, and McCoy St.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. Defendant further objects that the Request seeks documents that are not relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff Ktown for All's ("KFA") claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects that the Request is overbroad and burdensome in seeking documents regarding encampment cleanups dating back two years and eight months that are unrelated, and not relevant, to Plaintiffs' specific claims alleged

1 in the SAC. Defendant also objects to the Request to the extent the Request seeks
2 information protected from disclosure by the attorney-client privilege and or attorney
3 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
4 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
5 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

6 Defendant further objects that the Request is burdensome and not proportional to
7 the needs of the case, insofar as the burden of searching for and producing any such
8 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
9 Defendant's costs or expense in conducting the search and producing documents greatly
10 exceeds the amount in controversy for Plaintiff's alleged damages.

11 Specifically, in order to search for and obtain documents responsive to the
12 Request, Defendant would need to search the City's Bureau of Sanitation ("LASAN")
13 Watershed Protection Information Management System ("WPIMS") to identify all
14 incidents constituting "encampment cleanups" as defined in the Request. Defendant
15 identified 32,730 incidents within WPIMS constituting "encampment cleanups" as
16 defined in the Request for the period from January 1, 2018 to July 31, 2020. Defendant
17 would have to conduct a query and search parameters within WPIMS to generate a report
18 identifying all 32,730 incidents by the address listed for the encampment cleanup, date,
19 and incident/case number. Defendant would then have to manually review the addresses
20 identified within the report to confirm which addresses fall within the location areas
21 identified in subsections (a)-(e) of the Request. Defendant would then need to identify
22 each incident/case number falling within these geographical locations to collect
23 documents relating to each identified encampment cleanup. For each identified incident
24 number, Defendant would need to generate reports within WPIMS for the encampment
25 cleanup, and collect associated health hazard checklists. Defendant would then have to
26 conduct additional searches for encampment cleanup pictures and media files by incident
27 number that are not stored on WPIMS. The number of pictures associated with an
28 encampment cleanup could exceed over 700 pictures for one incident report. Defendant

1 would also have to manually search for, collect, and assemble related documents by
2 incident number, including any posting surveys, hazardous-waste disposal records, non-
3 hazardous waste disposal records, and cleanup authorizations maintained in LASAN's
4 Authorization Management System ("AMS"). In addition, upon identifying specified
5 incident/case numbers for responsive encampment cleanups, Defendant would then have
6 to conduct searches for potentially responsive LAPD records for any incidents involving
7 LAPD HOPE officers by corresponding date, location, and LAPD Bureau, including
8 searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander Daily
9 Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
10 Reports. In addition, Defendant would have to search for LAPD body worn video that
11 may exist for identified incidents involving LAPD HOPE Officers and review such video
12 for responsiveness to the Request. Defendant previously conducted a search for and
13 produced such incident-specific documents for the named individual plaintiffs' specific
14 incidents at CITY00001-2677.

15 Defendant would also need to search for potentially responsive documents or
16 information for encampment cleanups as defined in the Request that may be maintained
17 within LASAN's Customer Service Group's MyLA database for service
18 requests. Defendant would have to conduct a search parameter for service requests
19 relating to encampment cleanups as defined in the Request for the period from January 1,
20 2018 to the present and generate a report identifying service requests for defined
21 encampment cleanups by location address and date range. Defendant would then need an
22 analyst to manually review MyLA data and cross-reference incident/case numbers,
23 addresses, and dates identified by Defendant's WPIMS query to determine potentially
24 corresponding service requests for identified encampment cleanups. Defendant would
25 then have to prepare a separate report containing identified service requests within the
26 MyLA database corresponding to identified WPIMS incident/case numbers for
27 encampment cleanups. In addition, for cleanups occurring after October 2019, Defendant
28 would have to conduct searches for potentially responsive documents within the City's

1 daily schedules issued for CARE and CARE+ operations by reviewing schedules and
2 cross referencing the schedules with identified incident/case numbers, dates, and
3 locations. Defendant objects that the Request seeks documents that are not reasonably
4 accessible based on the undue burden and costs associated with searching for and
5 producing documents responsive to this Request for the reasons described
6 above. Without waiving any, and based on these, objections, no documents will be
7 produced in response to this Request.

8 **REQUEST FOR PRODUCTION NO. 3:**

9 Job descriptions for each category of CITY employee that is routinely assigned to
10 participate in ENCAMPMENT CLEANUPS, including but not limited to LA Sanitation
11 employees and LAPD HOPE Team members.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

13 Defendant incorporates the General Objections as though fully set forth here.
14 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
15 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
16 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
17 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
18 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
19 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
20 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
21 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
22 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
23 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
24 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
25 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
26 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
27 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
28 Request is not proportional to the needs of the case, insofar as the burden or expense of

1 searching for and producing documents dating back to April 2016, three years before the
2 specific alleged incidents occurred, outweighs the benefit of such discovery to Plaintiffs’
3 specific claims alleged in the SAC. Subject to and without waiving these objections,
4 Defendant produced organizational charts for LASAN’s Solid Resources Division,
5 Livability Services Division, Executive Management and LAPD’s HOPE Bureaus and
6 Homeless Coordinator identifying employee classifications and corresponding job
7 descriptions responsive to this Request.

8 **REQUEST FOR PRODUCTION NO. 4:**

9 Job descriptions for each category of CITY employee that is assigned to the
10 Unified Homeless Response Center (UHRC).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

12 Defendant incorporates the General Objections as though fully set forth here.
13 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs’
14 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”).
15 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
16 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
17 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
18 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
19 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
20 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
21 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
22 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
23 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
24 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
25 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
26 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
27 Request is overbroad in seeking documents dating back to April 2016, three years before
28 Plaintiffs’ specific incidents occurred. Defendant objects that the Request is not

1 proportional to the needs of the case, insofar as the burden or expense of searching for
2 and producing documents dating back to April 2016, three years before the specific
3 alleged incidents occurred, outweighs the benefit of such discovery to Plaintiffs' specific
4 claims alleged in the SAC. Subject to and without waiving these objections, Defendant
5 previously produced organizational charts for UHRC identifying employee classifications
6 and will produce additional non-privileged documents responsive to this Request, if any,
7 found in Defendant's possession, custody, or control.

8 **REQUEST FOR PRODUCTION NO. 5:**

9 One copy of each version of the organizational chart for LA SANITATION.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

11 Defendant incorporates the General Objections as though fully set forth here.
12 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
13 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
14 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
15 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
16 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
17 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
18 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
19 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
20 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
21 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
22 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
23 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
24 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
25 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
26 Request is overbroad in seeking documents dating back to April 2016, three years before
27 Plaintiffs' specific alleged incidents occurred. Defendant objects that the Request is
28 overbroad in seeking organizational charts for all LASAN Divisions. Defendant objects

1 that the Request is not proportional to the needs of the case, insofar as the burden or
2 expense of searching for and producing organization charts for all LASAN Divisions
3 dating back to April 2016, three years before the specific alleged incidents occurred,
4 outweighs the benefit of such discovery to Plaintiffs' specific claims alleged in the SAC.
5 Subject to and without waiving these objections, Defendant previously produced
6 organizational charts for LASAN's Solid Resources Division, Livability Services
7 Division, and Executive Management responsive to this Request.

8 **REQUEST FOR PRODUCTION NO. 6:**

9 One copy of each version of the organizational chart for LAPD.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

11 Defendant incorporates the General Objections as though fully set forth here.
12 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
13 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
14 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
15 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
16 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
17 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
18 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
19 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
20 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
21 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
22 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
23 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
24 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
25 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
26 Request is overbroad in seeking documents dating back to April 2016, three years before
27 Plaintiffs' specific alleged incidents occurred. Defendant objects that the Request is
28 overbroad in seeking organizational charts for all LAPD Divisions. Defendant objects

1 that the Request is not proportional to the needs of the case, insofar as the burden or
2 expense of searching for and producing organization charts for all LAPD division dating
3 back to April 2016, three years before Plaintiffs' specific alleged incidents occurred,
4 outweighs the benefit of such discovery to Plaintiffs' specific claims alleged in the SAC.
5 Subject to and without waiving these objections, Defendant previously produced
6 organizational charts for LAPD, LAPD's Homeless Coordinator, and LAPD's HOPE
7 Bureaus responsive to this Request.

8 **REQUEST FOR PRODUCTION NO. 7:**

9 One copy of each version of any organizational chart that exists for the Unified
10 Homeless Response Center (UHRC).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

12 Defendant incorporates the General Objections as though fully set forth here.
13 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
14 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
15 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
16 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
17 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
18 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
19 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
20 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
21 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
22 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
23 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
24 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
25 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
26 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
27 Request is overbroad in seeking documents dating back to April 2016, three years before
28 Plaintiffs' specific alleged incidents occurred. Defendant objects that the Request is not

1 proportional to the needs of the case, insofar as the burden or expense of searching for
2 and producing organization charts dating back to April 2016, three years before the
3 specific alleged incidents occurred, outweighs the benefit of such discovery to Plaintiffs'
4 specific claims alleged in the SAC. Subject to and without waiving these objections,
5 Defendant conducted a search for accessible documents and previously produced the
6 UHRC organizational chart responsive to this Request.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 Any roster, employee list, distribution list, directory, or other
9 DOCUMENTATION that identifies the names and job titles of each employee of the
10 CITY assigned to the UHRC.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

12 Defendant incorporates the General Objections as though fully set forth here.
13 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
14 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
15 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
16 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
17 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
18 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
19 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
20 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
21 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
22 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
23 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
24 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
25 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
26 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
27 Request is overbroad in seeking documents dating back to April 2016, three years before
28 Plaintiffs' specific alleged incidents occurred. Subject to and without waiving these

1 objections, Defendant conducted a search for accessible documents and previously
2 produced the UHRC organizational chart identifying City employees assigned to UHRC
3 and will produce additional nonprivileged documents responsive to this Request, if any,
4 found in Defendant's possession, custody, or control.

5 **REQUEST FOR PRODUCTION NO. 9:**

6 One copy of each contract (including all exhibits, addenda, attachments, and any
7 other document incorporated by reference into said contract) between the CITY and
8 Clean Harbors or any other contractor or subcontractor that participates in
9 ENCAMPMENT CLEANUPS.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

11 Defendant incorporates the General Objections as though fully set forth here.
12 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
13 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
14 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
15 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
16 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
17 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
18 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
19 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
20 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
21 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
22 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
23 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
24 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
25 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
26 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
27 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
28 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the

City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad in seeking all contracts with Clean Harbors or any other contractors dating back to April 2016, three years before the specific alleged incidents occurred. Defendant further objects that Request is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing contracts with Clean Harbors or any other contractor dating back to April 2016 outweighs the benefit of such irrelevant discovery to Plaintiffs' specific claims alleged in the SAC. Subject to and without waiving these objections, Defendant produced the Clean Harbor contracts at CTY006993-7419 responsive to this Request.

REQUEST FOR PRODUCTION NO. 10:

One copy of each contract (including all exhibits, addenda, attachments, and any other document incorporated by reference into said contract) between the CITY and Chrysalis or any other contractor or subcontractor that stores property taken, seized or otherwise obtained by the CITY or otherwise participates in the operation or management of any STORAGE FACILITY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and

1 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
2 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
3 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
4 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
5 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
6 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
7 occurring on or around May 21, 2019 at Lomita and McCoy. Defendant objects that the
8 Request is overbroad in seeking documents dating back to April 2016, three years before
9 Plaintiffs' specific alleged incidents occurred. Defendant objects that the Request is not
10 proportional to the needs of the case, insofar as the burden or expense of searching for
11 and producing documents dating back to April 2016, three years before the specific
12 alleged incidents occurred, outweighs the benefit of such discovery to Plaintiffs' specific
13 claims alleged in the SAC. Subject to and without waiving these objections, Defendant
14 produced the Chrysalis contracts at CTY004627-4839 responsive to this Request.

15 **REQUEST FOR PRODUCTION NO. 11:**

16 All policies, procedures, directives, manuals, bulletins, and special orders, related
17 to conducting ENCAMPMENT CLEANUPS, including but not limited to the seizure or
18 destruction of property belonging to homeless people.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

20 Defendant incorporates the General Objections as though fully set forth here.
21 Defendant objects that the Request is overbroad in seeking documents dating back to
22 April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the
23 SAC. Defendant objects that the Request is not proportional to the needs of the case,
24 insofar as the burden or expense of searching for and producing documents dating back to
25 April 2016, three years before the specific alleged incidents occurred, outweighs the
26 benefit of such discovery to Plaintiffs' specific claims alleged in the SAC. Subject to and
27 without waiving these objections, Defendant responds as follows: Defendant previously
28

1 produced documents responsive to this Request and will produce additional responsive
2 documents in Defendant's possession, custody or control.

3 **REQUEST FOR PRODUCTION NO. 12:**

4 All policies, procedures, directives, manuals, and special orders related to LAMC
5 56.11, including but not limited to the handling of people's belongings pursuant to
6 LAMC 56.11.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

8 Defendant incorporates the General Objections as though fully set forth here.
9 Defendant objects that the Request is overbroad in seeking documents dating back to
10 April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the
11 SAC. Defendant objects that the Request is not proportional to the needs of the case,
12 insofar as the burden or expense of searching for and producing documents dating back to
13 April 2016, three years before the specific alleged incidents occurred, outweighs the
14 benefit of such discovery to Plaintiffs' specific claims alleged in the SAC. Subject to and
15 without waiving these objections, Defendant responds as follows: Defendant previously
16 produced documents responsive to this Request and will produce additional responsive
17 documents in Defendant's possession, custody or control.

18 **REQUEST FOR PRODUCTION NO. 13:**

19 All policies, procedures, directives, manuals, bulletins, and special orders, related
20 to storage of property pursuant to LAMC 56.11.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

22 Defendant incorporates the General Objections as though fully set forth here.
23 Defendant objects that the Request is overbroad in seeking documents dating back to
24 April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the
25 SAC. Defendant objects that the Request is not proportional to the needs of the case,
26 insofar as the burden or expense of searching for and producing documents dating back to
27 April 2016, three years before the specific alleged incidents occurred, outweighs the
28 benefit of such discovery to Plaintiffs' specific claims alleged in the SAC. Subject to and

1 without waiving these objections, Defendant responds as follows: Defendant previously
2 produced documents responsive to this Request and will produce additional responsive
3 documents in Defendant's possession, custody or control.

4 **REQUEST FOR PRODUCTION NO. 14:**

5 All policies, procedures, directives, manuals, bulletins, and special orders, related
6 to HOPE Teams.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

8 Defendant incorporates the General Objections as though fully set forth here.
9 Defendant objects that the Request is overbroad in seeking documents dating back to
10 April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the
11 SAC. Defendant objects that the Request is not proportional to the needs of the case,
12 insofar as the burden or expense of searching for and producing documents dating back to
13 April 2016, three years before the specific alleged incidents occurred, outweighs the
14 benefit of such discovery to Plaintiffs' specific claims alleged in the SAC. Subject to and
15 without waiving these objections, Defendant responds as follows: Defendant previously
16 produced documents responsive to this Request and will produce additional responsive
17 documents in Defendant's possession, custody or control.

18 **REQUEST FOR PRODUCTION NO. 15:**

19 All policies, procedures, directives, manuals, bulletins, and special orders, related
20 to the seizure or destruction of property because it constitutes an "immediate threat to the
21 health and safety of the public".

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

23 Defendant incorporates the General Objections as though fully set forth here.
24 Defendant objects that the Request is overbroad in seeking documents dating back to
25 April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the
26 SAC. Defendant objects that the Request is not proportional to the needs of the case,
27 insofar as the burden or expense of searching for and producing documents dating back to
28 April 2016, three years before the specific alleged incidents occurred, outweighs the

benefit of such discovery to Plaintiffs' specific claims alleged in the SAC. Subject to and without waiving these objections, Defendant responds as follows: Defendant previously produced documents responsive to this Request and will produce additional responsive documents in Defendant's possession, custody or control.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS related to trainings conducted by or for CITY employees, agents, or contractors regarding LAMC 56.11, including but not limited to the seizure, destruction, or storage of property pursuant to LAMC 56.11. Requested materials include but are not limited to any flyers, email communications promoting, announcing or otherwise describing the trainings; calendar invitations for any trainings; attendance or sign-in sheets for any and all trainings; training materials, including but not limited to presentations, handouts, and manuals; presenter's notes; and notes taken by participants.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request is overbroad and burdensome in seeking all documents regarding trainings, including all email communications, calendar invites, and notes taken by participants or presenters, all sign in sheets, and flyers relating to training dating back to April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmere and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents

1 occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street
2 and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around
3 April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific
4 incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck
5 Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied
6 LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7
7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that
8 the City's policies and practices are unconstitutional and not that each past application of
9 those policies and practices to its members was unconstitutional."). Defendant also
10 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
11 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
12 only raise a single incident ... to hold the City liable under *Monell*"). Defendant also
13 objects to the Request to the extent the Request seeks information protected from
14 disclosure by the attorney-client privilege and or attorney work product
15 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
16 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
17 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

18 Defendant further objects that the Request is burdensome and not proportional to
19 the needs of the case, insofar as the burden of searching for and producing all documents
20 regarding trainings, including all email communications, calendar invites, and notes taken
21 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
22 April 2016 outweighs the benefit of such information for Plaintiffs' claims, and
23 Defendant's costs or expense in conducting the search and producing documents greatly
24 exceeds the amount in controversy for Plaintiffs' alleged damages.

25 Specifically, in order to search for and obtain documents responsive to the
26 Request, Defendant would have to first search for all trainings and determine when such
27 trainings occurred over a four-year period. Defendant would then have to investigate the
28 identity of the instructor for each training and whether such training included a sign-in

1 sheet, a list of participants, the identify of participants and instructor(s) for each training
2 to conduct follow up searches regarding available notes and materials, and conduct
3 searches for calendar invites and promotional emails or flyers for each training.

4 Defendant uses an email system known as CityMail that is based on an
5 implementation of Google Apps Premier Edition and is used by nearly every City entity,
6 including 40 different departments. Defendant's CityMail system uses the Google Vault
7 system for archiving emails. Google Vault is a cloud-based data storage system; rather
8 than being stored on locally managed servers, the archived email data is stored on remote
9 servers that are managed by Google, Inc. and are only accessible to Defendant's office
10 via the internet. In order to search the email archives, Defendant's Information
11 Technology Agency ("ITA") must formulate a search query utilizing the search terms and
12 restrictions provided by the requester. Depending on the number and complexity of
13 search terms, the number of email accounts or document custodians, and the breadth of
14 the search, ITA may need to formulate more than one search query and scan the stored
15 data multiple times. When the search completes, Google Vault provides preliminary
16 information regarding the email data gathered by the search. In order to access the actual
17 emails, however, the entire store of data must first be exported from the cloud-servers to
18 a different "download" server to which ITA can connect via the internet and from which
19 we can then download the data. Depending on the size of the data, the download process
20 the most time-consuming part of gathering the email data. Even when ITA allocates
21 multiple personnel to conduct search queries in order to speed up the archived email
22 search and collection process, ITA is still limited by the speeds at which the data can be
23 transferred from the download server to Defendant's local data storage devices. As
24 downloads of batches of data become available, ITA begins the process of identifying the
25 email addresses that accompany the data against the list of individuals identified in the
26 data request and thereafter segregates the email stores of matching individuals. ITA
27 would also identify and screen emails of City Attorneys begin the process of identifying
28 and screening-out the emails of city attorneys and may need to conduct subsequent

1 queries to screen out attorneys for purposes of compiling a list of excluded emails for a
2 privilege log.

3 In addition, Defendant would need to determine whether a City department utilizes
4 systems-based network servers that may include network folders used to store or maintain
5 documents within a particular division or department section. In order to retrieve
6 systems-based server folders for review, Defendant would require a technology
7 professional who has administrator privileges to make a copy of the drive(s), which can
8 range in size by terabytes of data. In order to search certain folders on system-based
9 network drives, a technology professional who has administrator privileges, would use
10 the Microsoft Windows File Explorer search function, the limited search function
11 available by default on Windows. The limited search capabilities of the Windows File
12 Explorer search tool may not be able to accommodate full searches within documents or
13 Boolean searches. The resulting hits might include systems files, applications,
14 downloads, or media which may or may not be viewable. After Defendant has conducted
15 searches for electronically stored information, Defendant would require the use of an e-
16 discovery software and platform for Defendant's counsel to review, search, and tag
17 documents and electronically stored information for responsiveness or privilege.

18 Defendant objects that the Request seeks documents that are not reasonably
19 accessible based on the undue burden and costs associated with searching for and
20 producing documents and electronically stored information responsive to this Request for
21 the reasons described above. Defendant also objects that discovery regarding the training
22 of particular individuals involved in Plaintiffs' specific incidents can be obtained through
23 other means that are less burdensome, less costly, and more convenient. Without waiving
24 any, and based on these objections, Defendant produced training documents relating to
25 LAMC 56.11 and will produce additional training documents on a rolling basis.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 All DOCUMENTS related to trainings conducted by or for CITY employees,
3 agents, or contractors regarding ENCAMPMENT CLEANUPS, including but not limited
4 to the seizure, destruction, or storage of property. Requested materials include but are
5 not limited to any flyers, email communications promoting, announcing or otherwise
6 describing the trainings; calendar invitations for the trainings; attendance or sign-in sheets
7 for any and all trainings; training materials, including but not limited to presentations,
8 handouts, and manuals; presenter's notes; and notes taken by participants.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

10 Defendant incorporates the General Objections as though fully set forth here.
11 Defendant objects that the Request is overbroad and burdensome in seeking all
12 documents regarding trainings, including all email communications, calendar invites, and
13 notes taken by participants or presenters, all sign in sheets, and flyers relating to training
14 dating back to April 2016, three years before Plaintiffs' specific incidents occurred as
15 alleged in the SAC. Defendant objects that the Request seeks documents that are not
16 relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt.
17 No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or
18 around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at
19 Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on
20 or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29,
21 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at
22 Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents
23 occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June
24 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents
25 occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street
26 and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around
27 April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific
28 incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck

1 Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied
2 LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7
3 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that
4 the City's policies and practices are unconstitutional and not that each past application of
5 those policies and practices to its members was unconstitutional."). Defendant also
6 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
7 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
8 only raise a single incident ... to hold the City liable under *Monell*."). Defendant also
9 objects to the Request to the extent the Request seeks information protected from
10 disclosure by the attorney-client privilege and or attorney work product
11 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
12 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
13 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

14 Defendant further objects that the Request is burdensome and not proportional to
15 the needs of the case, insofar as the burden of searching for and producing all documents
16 regarding trainings, including all email communications, calendar invites, and notes taken
17 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
18 April 2016 outweighs the benefit of such information for Plaintiffs' specific claims, and
19 Defendant's costs or expense in conducting the search and producing documents greatly
20 exceeds the amount in controversy for Plaintiff's alleged damages.

21 Specifically, in order to search for and obtain documents responsive to the
22 Request, Defendant would have to first search for all trainings and determine when such
23 trainings occurred over a four-year period. Defendant would then have to investigate the
24 identity of the instructor for each training and whether such training included a sign-in
25 sheet, a list of participants, the identify of participants and instructor(s) for each training
26 to conduct follow up searches regarding available notes and materials, and conduct
27 searches for calendar invites and promotional emails or flyers for each training.
28

1 Defendant uses an email system known as CityMail that is based on an
2 implementation of Google Apps Premier Edition and is used by nearly every City entity,
3 including 40 different departments. Defendant's CityMail system uses the Google Vault
4 system for archiving emails. Google Vault is a cloud-based data storage system; rather
5 than being stored on locally managed servers, the archived email data is stored on remote
6 servers that are managed by Google, Inc. and are only accessible to Defendant's office
7 via the internet. In order to search the email archives, Defendant's ITA must formulate a
8 search query utilizing the search terms and restrictions provided by the requester.
9 Depending on the number and complexity of search terms, the number of email accounts
10 or document custodians, and the breadth of the search, ITA may need to formulate more
11 than one search query and scan the stored data multiple times. When the search
12 completes, Google Vault provides preliminary information regarding the email data
13 gathered by the search. In order to access the actual emails, however, the entire store of
14 data must first be exported from the cloud-servers to a different "download" server to
15 which ITA can connect via the internet and from which we can then download the data.
16 Depending on the size of the data, the download process the most time-consuming part of
17 gathering the email data. Even when ITA allocates multiple personnel to conduct search
18 queries in order to speed up the archived email search and collection process, ITA is still
19 limited by the speeds at which the data can be transferred from the download server to
20 Defendant's local data storage devices. As downloads of batches of data become
21 available, ITA begins the process of identifying the email addresses that accompany the
22 data against the list of individuals identified in the data request and thereafter segregates
23 the email stores of matching individuals. ITA would also identify and screen emails of
24 City Attorneys begin the process of identifying and screening-out the emails of city
25 attorneys and may need to conduct subsequent queries to screen out attorneys for
26 purposes of compiling a list of excluded emails for a privilege log.

27 In addition, Defendant would need to determine whether a City department utilizes
28 systems-based network servers that may include network folders used to store or maintain

documents within a particular division or department section. In order to retrieve systems-based server folders for review, Defendant would require a technology professional who has administrator privileges to make a copy of the drive(s), which can range in size by terabytes of data. In order to search certain folders on system-based network drives, a technology professional who has administrator privileges, would use the Microsoft Windows File Explorer search function, the limited search function available by default on Windows. The limited search capabilities of the Windows File Explorer search tool may not be able to accommodate full searches within documents or Boolean searches. The resulting hits might include systems files, applications, downloads, or media which may or may not be viewable. After Defendant has conducted searches for electronically stored information, Defendant would require the use of an e-discovery software and platform for Defendant's counsel to review, search, and tag documents and electronically stored information for responsiveness or privilege.

Defendant objects that the Request seeks documents that are not reasonably accessible based on the undue burden and costs associated with searching for and producing documents and electronically stored information responsive to this Request for the reasons described above. Defendant also objects that discovery regarding the training of particular individuals involved in Plaintiffs' specific incidents can be obtained through other means that are less burdensome, less costly, and more convenient. Without waiving any, and based on these objections, Defendant produced training documents relating to encampment cleanups and will produce additional training documents on a rolling basis.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS related to trainings conducted by or for CITY employees, agents, or contractors regarding illegal dumping. Requested materials include but are not limited to any flyers, email communications promoting, announcing or otherwise describing the trainings; calendar invitations for the trainings; attendance or sign-in sheets for any and all trainings; training materials, including but not limited to presentations, handouts, and manuals; presenter's notes; notes taken by participants.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request is overbroad and burdensome in seeking all documents regarding trainings, including all email communications, calendar invites, and notes taken by participants or presenters, all sign in sheets, and flyers relating to training dating back to April 2016, three years before Plaintiffs' incidents occurred as alleged in the SAC. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant also

1 objects to the Request to the extent the Request seeks information protected from
2 disclosure by the attorney-client privilege and or attorney work product
3 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
4 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
5 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

6 Defendant further objects that the Request is burdensome and not proportional to
7 the needs of the case, insofar as the burden of searching for and producing all documents
8 regarding trainings, including all email communications, calendar invites, and notes taken
9 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
10 April 2016 outweighs the benefit of such information for Plaintiffs' claims, and
11 Defendant's costs or expense in conducting the search and producing documents greatly
12 exceeds the amount in controversy for Plaintiff's alleged damages.

13 Specifically, in order to search for and obtain documents responsive to the
14 Request, Defendant would have to first search for all trainings and determine when such
15 trainings occurred over a four-year period. Defendant would then have to investigate the
16 identity of the instructor for each training and whether such training included a sign-in
17 sheet, a list of participants, the identify of participants and instructor(s) for each training
18 to conduct follow up searches regarding available notes and materials, and conduct
19 searches for calendar invites and promotional emails or flyers for each training.

20 Defendant uses an email system known as CityMail that is based on an
21 implementation of Google Apps Premier Edition and is used by nearly every City entity,
22 including 40 different departments. Defendant's CityMail system uses the Google Vault
23 system for archiving emails. Google Vault is a cloud-based data storage system; rather
24 than being stored on locally managed servers, the archived email data is stored on remote
25 servers that are managed by Google, Inc. and are only accessible to Defendant's office
26 via the internet. In order to search the email archives, Defendant's ITA must formulate a
27 search query utilizing the search terms and restrictions provided by the requester.
28 Depending on the number and complexity of search terms, the number of email accounts

1 or document custodians, and the breadth of the search, ITA may need to formulate more
2 than one search query and scan the stored data multiple times. When the search
3 completes, Google Vault provides preliminary information regarding the email data
4 gathered by the search. In order to access the actual emails, however, the entire store of
5 data must first be exported from the cloud-servers to a different “download” server to
6 which ITA can connect via the internet and from which we can then download the data.
7 Depending on the size of the data, the download process the most time-consuming part of
8 gathering the email data. Even when ITA allocates multiple personnel to conduct search
9 queries in order to speed up the archived email search and collection process, ITA is still
10 limited by the speeds at which the data can be transferred from the download server to
11 Defendant’s local data storage devices. As downloads of batches of data become
12 available, ITA begins the process of identifying the email addresses that accompany the
13 data against the list of individuals identified in the data request and thereafter segregates
14 the email stores of matching individuals. ITA would also identify and screen emails of
15 City Attorneys begin the process of identifying and screening-out the emails of city
16 attorneys and may need to conduct subsequent queries to screen out attorneys for
17 purposes of compiling a list of excluded emails for a privilege log.

18 In addition, Defendant would need to determine whether a City department utilizes
19 systems-based network servers that may include network folders used to store or maintain
20 documents within a particular division or department section. In order to retrieve
21 systems-based server folders for review, Defendant would require a technology
22 professional who has administrator privileges to make a copy of the drive(s), which can
23 range in size by terabytes of data. In order to search certain folders on system-based
24 network drives, a technology professional who has administrator privileges, would use
25 the Microsoft Windows File Explorer search function, the limited search function
26 available by default on Windows. The limited search capabilities of the Windows File
27 Explorer search tool may not be able to accommodate full searches within documents or
28 Boolean searches. The resulting hits might include systems files, applications,

1 downloads, or media which may or may not be viewable. After Defendant has conducted
2 searches for electronically stored information, Defendant would require the use of an e-
3 discovery software and platform for Defendant's counsel to review, search, and tag
4 documents and electronically stored information for responsiveness or privilege.

5 Defendant objects that the Request seeks documents that are not reasonably
6 accessible based on the undue burden and costs associated with searching for and
7 producing documents and electronically stored information responsive to this Request for
8 the reasons described above. Defendant also objects that discovery regarding the training
9 of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained
10 through other means that are less burdensome, less costly, and more convenient. Without
11 waiving any, and based on these objections, Defendant produced training documents
12 relating to illegal dumping and will produce additional training documents on a rolling
13 basis.

14 **REQUEST FOR PRODUCTION NO. 19:**

15 All DOCUMENTS related to trainings conducted by or for CITY employees,
16 agents, or contractors at any time since January 1, 2012 regarding what constitutes "an
17 immediate threat to public health and safety," including but not limited to the seizure,
18 destruction, or storage of property on this basis. Requested materials include but are not
19 limited to any flyers, email communications promoting, announcing or otherwise
20 describing the trainings; calendar invitations for any trainings; attendance or sign-in
21 sheets for any and all trainings; training materials, including but not limited to
22 presentations, handouts, and manuals; presenter's notes; and notes taken by participants.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

24 Defendant incorporates the General Objections as though fully set forth here.
25 Defendant objects that the Request is overbroad and burdensome in seeking all
26 documents regarding trainings, including all email communications, calendar invites, and
27 notes taken by participants or presenters, all sign in sheets, and flyers relating to training
28 dating back to January 1, 2012, seven years before Plaintiffs specific incidents occurred

1 as alleged in the SAC. Defendant objects that the Request seeks documents that are not
2 relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt.
3 No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or
4 around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at
5 Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on
6 or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29,
7 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at
8 Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents
9 occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June
10 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents
11 occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street
12 and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around
13 April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific
14 incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck
15 Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied
16 LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7
17 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that
18 the City's policies and practices are unconstitutional and not that each past application of
19 those policies and practices to its members was unconstitutional."). Defendant also
20 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
21 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
22 only raise a single incident ... to hold the City liable under *Monell*"). Defendant also
23 objects to the Request to the extent the Request seeks information protected from
24 disclosure by the attorney-client privilege and or attorney work product
25 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
26 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
27 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing all documents
3 regarding trainings, including all email communications, calendar invites, and notes taken
4 by participants or presenters, sign-in sheets, and flyers relating to training dating back
5 over seven years to January 1, 2012 outweighs the benefit of such information for
6 Plaintiffs' claims, and Defendant's costs or expense in conducting the search and
7 producing documents greatly exceeds the amount in controversy for Plaintiffs' alleged
8 damages.

9 Specifically, in order to search for and obtain documents responsive to the
10 Request, Defendant would have to first search for all trainings and determine when such
11 trainings occurred over a seven-year period. Defendant would then have to investigate
12 the identity of the instructor for each training and whether such training included a sign-
13 in sheet, a list of participants, the identify of participants and instructor(s) for each
14 training to conduct follow up searches regarding available notes and materials, and
15 conduct searches for calendar invites and promotional emails or flyers for each training.

16 Defendant uses an email system known as CityMail that is based on an
17 implementation of Google Apps Premier Edition and is used by nearly every City entity,
18 including 40 different departments. Defendant's CityMail system uses the Google Vault
19 system for archiving emails. Google Vault is a cloud-based data storage system; rather
20 than being stored on locally managed servers, the archived email data is stored on remote
21 servers that are managed by Google, Inc. and are only accessible to Defendant's office
22 via the internet. In order to search the email archives, Defendant's ITA must formulate a
23 search query utilizing the search terms and restrictions provided by the requester.
24 Depending on the number and complexity of search terms, the number of email accounts
25 or document custodians, and the breadth of the search, ITA may need to formulate more
26 than one search query and scan the stored data multiple times. When the search
27 completes, Google Vault provides preliminary information regarding the email data
28 gathered by the search. In order to access the actual emails, however, the entire store of

1 data must first be exported from the cloud-servers to a different “download” server to
2 which ITA can connect via the internet and from which we can then download the data.
3 Depending on the size of the data, the download process the most time-consuming part of
4 gathering the email data. Even when ITA allocates multiple personnel to conduct search
5 queries in order to speed up the archived email search and collection process, ITA is still
6 limited by the speeds at which the data can be transferred from the download server to
7 Defendant’s local data storage devices. As downloads of batches of data become
8 available, ITA begins the process of identifying the email addresses that accompany the
9 data against the list of individuals identified in the data request and thereafter segregates
10 the email stores of matching individuals. ITA would also identify and screen emails of
11 City Attorneys begin the process of identifying and screening-out the emails of city
12 attorneys and may need to conduct subsequent queries to screen out attorneys for
13 purposes of compiling a list of excluded emails for a privilege log.

14 In addition, Defendant would need to determine whether a City department utilizes
15 systems-based network servers that may include network folders used to store or maintain
16 documents within a particular division or department section. In order to retrieve
17 systems-based server folders for review, Defendant would require a technology
18 professional who has administrator privileges to make a copy of the drive(s), which can
19 range in size by terabytes of data. In order to search certain folders on system-based
20 network drives, a technology professional who has administrator privileges, would use
21 the Microsoft Windows File Explorer search function, the limited search function
22 available by default on Windows. The limited search capabilities of the Windows File
23 Explorer search tool may not be able to accommodate full searches within documents or
24 Boolean searches. The resulting hits might include systems files, applications,
25 downloads, or media which may or may not be viewable. After Defendant has conducted
26 searches for electronically stored information, Defendant would require the use of an e-
27 discovery software and platform for Defendant’s counsel to review, search, and tag
28 documents and electronically stored information for responsiveness or privilege.

1 Defendant objects that the Request seeks documents that are not reasonably
2 accessible based on the undue burden and costs associated with searching for and
3 producing documents and electronically stored information responsive to this Request for
4 the reasons described above. Defendant also objects that discovery regarding the training
5 of particular individuals involved in Plaintiffs' specific incidents can be obtained through
6 other means that are less burdensome, less costly, and more convenient. Without waiving
7 any, and based on these objections, Defendant produced training documents relating to
8 hazardous materials and immediate threats to public health and safety and will produce
9 additional training documents on a rolling basis.

10 **REQUEST FOR PRODUCTION NO. 20:**

11 All DOCUMENTS related to trainings conducted by or for LAPD members of the
12 HOPE Teams. This request excludes documents related to trainings that are conducted for
13 all members of the LAPD.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Defendant objects that the Request is overbroad and burdensome in seeking all
17 documents regarding trainings, including all email communications, calendar invites, and
18 notes taken by participants or presenters, all sign in sheets, and flyers relating to training
19 dating back to April 2016, three years before Plaintiffs' specific incidents occurred as
20 alleged in the SAC. Defendant objects that the Request seeks documents that are not
21 relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt.
22 No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or
23 around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at
24 Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on
25 or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29,
26 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at
27 Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents
28 occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June

1 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents
2 occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street
3 and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around
4 April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific
5 incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck
6 Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied
7 LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7
8 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that
9 the City's policies and practices are unconstitutional and not that each past application of
10 those policies and practices to its members was unconstitutional."). Defendant also
11 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
12 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
13 only raise a single incident ... to hold the City liable under *Monell*."). Defendant also
14 objects to the Request to the extent the Request seeks information protected from
15 disclosure by the attorney-client privilege and or attorney work product
16 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
17 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
18 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

19 Defendant further objects that the Request is burdensome and not proportional to
20 the needs of the case, insofar as the burden of searching for and producing all documents
21 regarding trainings, including all email communications, calendar invites, and notes taken
22 by participants or presenters, sign-in sheets, and flyers relating to training dating back to
23 April 2016 outweighs the benefit of such information for Plaintiffs' claims, and
24 Defendant's costs or expense in conducting the search and producing documents greatly
25 exceeds the amount in controversy for Plaintiffs' alleged damages.

26 Specifically, in order to search for and obtain documents responsive to the
27 Request, Defendant would have to first search for all trainings and determine when such
28 trainings occurred over a four-year period. Defendant would then have to investigate the

1 identity of the instructor for each training and whether such training included a sign-in
2 sheet, a list of participants, the identify of participants and instructor(s) for each training
3 to conduct follow up searches regarding available notes and materials, and conduct
4 searches for calendar invites and promotional emails or flyers for each training.

5 Defendant uses an email system known as CityMail that is based on an
6 implementation of Google Apps Premier Edition and is used by nearly every City entity,
7 including 40 different departments. Defendant's CityMail system uses the Google Vault
8 system for archiving emails. Google Vault is a cloud-based data storage system; rather
9 than being stored on locally managed servers, the archived email data is stored on remote
10 servers that are managed by Google, Inc. and are only accessible to Defendant's office
11 via the internet. In order to search the email archives, Defendant's ITA must formulate a
12 search query utilizing the search terms and restrictions provided by the requester.

13 Depending on the number and complexity of search terms, the number of email accounts
14 or document custodians, and the breadth of the search, ITA may need to formulate more
15 than one search query and scan the stored data multiple times. When the search
16 completes, Google Vault provides preliminary information regarding the email data
17 gathered by the search. In order to access the actual emails, however, the entire store of
18 data must first be exported from the cloud-servers to a different "download" server to
19 which ITA can connect via the internet and from which we can then download the data.
20 Depending on the size of the data, the download process the most time-consuming part of
21 gathering the email data. Even when ITA allocates multiple personnel to conduct search
22 queries in order to speed up the archived email search and collection process, ITA is still
23 limited by the speeds at which the data can be transferred from the download server to
24 Defendant's local data storage devices. As downloads of batches of data become
25 available, ITA begins the process of identifying the email addresses that accompany the
26 data against the list of individuals identified in the data request and thereafter segregates
27 the email stores of matching individuals. ITA would also identify and screen emails of
28 City Attorneys begin the process of identifying and screening-out the emails of city

1 attorneys and may need to conduct subsequent queries to screen out attorneys for
2 purposes of compiling a list of excluded emails for a privilege log.

3 In addition, Defendant would need to determine whether a City department utilizes
4 systems-based network servers that may include network folders used to store or maintain
5 documents within a particular division or department section. In order to retrieve
6 systems-based server folders for review, Defendant would require a technology
7 professional who has administrator privileges to make a copy of the drive(s), which can
8 range in size by terabytes of data. In order to search certain folders on system-based
9 network drives, a technology professional who has administrator privileges, would use
10 the Microsoft Windows File Explorer search function, the limited search function
11 available by default on Windows. The limited search capabilities of the Windows File
12 Explorer search tool may not be able to accommodate full searches within documents or
13 Boolean searches. The resulting hits might include systems files, applications,
14 downloads, or media which may or may not be viewable. After Defendant has conducted
15 searches for electronically stored information, Defendant would require the use of an e-
16 discovery software and platform for Defendant's counsel to review, search, and tag
17 documents and electronically stored information for responsiveness or privilege.

18 Defendant objects that the Request seeks documents that are not reasonably
19 accessible based on the undue burden and costs associated with searching for and
20 producing documents and electronically stored information responsive to this Request for
21 the reasons described above. Defendant also objects that discovery regarding the training
22 of particular individuals involved in Plaintiffs' specific incidents can be obtained through
23 other means that are less burdensome, less costly, and more convenient. Without waiving
24 any, and based on these objections, Defendant produced LAPD HOPE training
25 documents and will produce additional LAPD HOPE training documents on a rolling
26 basis.

1 **REQUEST FOR PRODUCTION NO. 21:**

2 One copy of each form used by the CITY or any of its contractors or
3 subcontractors, including Chrysalis, LAHSA, and Clean Harbors, related to
4 ENCAMPMENT CLEANUPS.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

6 Defendant incorporates the General Objections as though fully set forth here.
7 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs’
8 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”).
9 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
10 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
11 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
12 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
13 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
14 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
15 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
16 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
17 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
18 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
19 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
20 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
21 KFA’s claims seeking any declaration that the City unconstitutionally applied LAMC
22 56.11 or the City’s policies or practices to KFA’s members. Dkt. No. 65 at 7 (“[T]he
23 Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the
24 City’s policies and practices are unconstitutional and not that each past application of
25 those policies and practices to its members was unconstitutional.”). Defendant also
26 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
27 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need
28 only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects

1 that the Request is overbroad in seeking all forms used by any contractor or subcontractor
2 relating to encampment cleanups dating back to April 2016, three years before Plaintiffs'
3 specific alleged incidents occurred. Defendant further objects that Request is not
4 proportional to the needs of the case, insofar as the burden or expense of searching for
5 and producing all forms used by any contractor or subcontractor dating back to April
6 2016 outweighs the benefit of such irrelevant discovery to Plaintiff El Bey's specific
7 claims alleged in the SAC. Without waiving any, and based on these objections,
8 Defendant previously produced forms used for encampment cleanups and will produce
9 additional forms responsive to this Request, if any, in Defendant's possession custody or
10 control.

11 **REQUEST FOR PRODUCTION NO. 22:**

12 All instructions, manuals, training materials and policies related to any form used
13 by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA,
14 and Clean Harbors that is related to ENCAMPMENT CLEANUPS.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

16 Defendant incorporates the General Objections as though fully set forth here.
17 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
18 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
19 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
20 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
21 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
22 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
23 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
24 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
25 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
26 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
27 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
28 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019

1 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
2 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
3 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
4 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
5 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
6 City's policies and practices are unconstitutional and not that each past application of
7 those policies and practices to its members was unconstitutional."). Defendant also
8 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
9 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
10 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
11 that the Request is overbroad in seeking documents dating back to April 2016, three years
12 before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant objects
13 that the Request is not proportional to the needs of the case, insofar as the burden or
14 expense of searching for and producing documents dating back to April 2016, three years
15 before the specific alleged incidents occurred, outweighs the benefit of such discovery to
16 Plaintiffs' specific claims alleged in the SAC. Subject to and without waiving these
17 objections, Defendant responds as follows: Defendant previously produced documents
18 responsive to this Request and will produce additional documents responsive to this
19 Request, if any, in Defendant's possession, custody or control.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All COMMUNICATIONS related to the use of forms used by the CITY or any of
22 its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that
23 are related to ENCAMPMENT CLEANUPS, including but not limited to any email
24 instructions or clarifications related to the use of the forms.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

26 Defendant incorporates the General Objections as though fully set forth here.
27 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
28 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").

1 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
2 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
3 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
4 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
5 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
6 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
7 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
8 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
9 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
10 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
11 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
12 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
13 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
14 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
15 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
16 City's policies and practices are unconstitutional and not that each past application of
17 those policies and practices to its members was unconstitutional."). Defendant also
18 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
19 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
20 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
21 that the Request is overbroad and burdensome in seeking all communications, including
22 emails, regarding the use of forms by Defendant, LAHSA, Chrysalis, and Clean Harbors
23 dating back to April 2016, three years before Plaintiffs' specific incidents occurred as
24 alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks
25 information protected from disclosure by the attorney-client privilege and or attorney
26 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
27 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
28 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing all
3 communications, including emails, regarding the use of forms by Defendant, LAHSA,
4 Chrysalis, and Clean Harbors dating back to April 2016 outweighs the benefit of such
5 information for Plaintiffs' claims, and Defendant's costs or expense in conducting the
6 search and producing documents greatly exceeds the amount in controversy for Plaintiff's
7 alleged damages.

8 Specifically, in order to search for and obtain documents responsive to the
9 Request, Defendant would have to investigate the identify of all potential custodians who
10 may have sent or received an email regarding the use of form for an encampment cleanup
11 over a four-year period, including personnel from LASAN, UHRC, LAPD, the City
12 Attorney's Office, and possibly other City departments. Defendant would then have to
13 conduct search parameters for all communications over a four-year period involving all
14 identified custodians from different City departments.

15 Defendant uses an email system known as CityMail that is based on an
16 implementation of Google Apps Premier Edition and is used by nearly every City entity,
17 including 40 different departments. Defendant's CityMail system uses the Google Vault
18 system for archiving emails. Google Vault is a cloud-based data storage system; rather
19 than being stored on locally managed servers, the archived email data is stored on remote
20 servers that are managed by Google, Inc. and are only accessible to Defendant's office
21 via the internet. In order to search the email archives, Defendant's ITA must formulate a
22 search query utilizing the search terms and restrictions provided by the requester.
23 Depending on the number and complexity of search terms, the number of email accounts
24 or document custodians, and the breadth of the search, ITA may need to formulate more
25 than one search query and scan the stored data multiple times. When the search
26 completes, Google Vault provides preliminary information regarding the email data
27 gathered by the search. In order to access the actual emails, however, the entire store of
28 data must first be exported from the cloud-servers to a different "download" server to

1 which ITA can connect via the internet and from which we can then download the data.
2 Depending on the size of the data, the download process the most time-consuming part of
3 gathering the email data. Even when ITA allocates multiple personnel to conduct search
4 queries in order to speed up the archived email search and collection process, ITA is still
5 limited by the speeds at which the data can be transferred from the download server to
6 Defendant's local data storage devices. As downloads of batches of data become
7 available, ITA begins the process of identifying the email addresses that accompany the
8 data against the list of individuals identified in the data request and thereafter segregates
9 the email stores of matching individuals. ITA would also identify and screen emails of
10 City Attorneys begin the process of identifying and screening-out the emails of city
11 attorneys and may need to conduct subsequent queries to screen out attorneys for
12 purposes of compiling a list of excluded emails for a privilege log.

13 In addition, Defendant would need to determine whether a City department utilizes
14 systems-based network servers that may include network folders used to store or maintain
15 communications within a particular division or department section. In order to retrieve
16 systems-based server folders for review, Defendant would require a technology
17 professional who has administrator privileges to make a copy of the drive(s), which can
18 range in size by terabytes of data. In order to search certain folders on system-based
19 network drives, a technology professional who has administrator privileges, would use
20 the Microsoft Windows File Explorer search function, the limited search function
21 available by default on Windows. The limited search capabilities of the Windows File
22 Explorer search tool may not be able to accommodate full searches within documents or
23 Boolean searches. The resulting hits might include systems files, applications,
24 downloads, or media which may or may not be viewable. After Defendant has conducted
25 searches for electronically stored information, Defendant would require the use of an e-
26 discovery software and platform for Defendant's counsel to review, search, and tag
27 documents and electronically stored information for responsiveness or privilege.

1 Defendant objects that the Request seeks documents that are not reasonably
2 accessible based on the undue burden and costs associated with searching for and
3 producing documents and electronically stored information responsive to this Request for
4 the reasons described above. Subject to and without waiving these objections, Defendant
5 previously produced certain documents responsive to this Request, including LASAN
6 interdepartmental memoranda and instructions regarding the use of forms for
7 encampment cleanups.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 One copy of each form used by the CITY or any of its contractors or
10 subcontractors, including Chrysalis, LAHSA, and Clean Harbors, related to the storage of
11 personal property taken, seized, or otherwise obtained by the City.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

13 Defendant incorporates the General Objections as though fully set forth here.
14 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
15 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
16 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
17 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
18 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
19 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
20 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
21 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
22 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
23 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
24 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
25 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
26 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
27 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
28 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC

56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad in seeking all forms used by any contractor or subcontractor relating to encampment cleanups dating back to April 2016, three years before Plaintiffs' specific alleged incidents occurred. Defendant further objects that Request is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing all forms used by any contractor or subcontractor dating back to April 2016 outweighs the benefit of such irrelevant discovery to Plaintiff El Bey's specific claims alleged in the SAC. Without waiving any, and based on these objections, Defendant previously produced forms used for storage of property and will produce additional forms responsive to this Request, if any, in Defendant's possession custody or control.

REQUEST FOR PRODUCTION NO. 25:

All instructions, manuals, training materials and policies related to any form used by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that is related to the storage of personal property taken, seized, or otherwise obtained by the City.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and

1 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
2 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
3 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
4 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
5 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
6 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
7 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
8 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
9 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
10 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
11 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
12 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
13 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
14 City's policies and practices are unconstitutional and not that each past application of
15 those policies and practices to its members was unconstitutional."). Defendant also
16 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
17 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
18 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
19 that the Request is overbroad in seeking documents dating back to April 2016, three years
20 before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant objects
21 that the Request is not proportional to the needs of the case, insofar as the burden or
22 expense of searching for and producing documents dating back to April 2016, three years
23 before the specific alleged incidents occurred, outweighs the benefit of such discovery to
24 Plaintiffs' specific claims alleged in the SAC. Subject to and without waiving these
25 objections, Defendant responds as follows: Defendant previously produced documents
26 responsive to this Request and will produce additional documents responsive to this
27 Request, if any, in Defendant's possession, custody or control.

1 **REQUEST FOR PRODUCTION NO. 26:**

2 All COMMUNICATIONS related to the use of forms used by the CITY or any of
3 its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that
4 are related to i[sic] that is related to the storage of personal property taken, seized, or
5 otherwise obtained by the City, including but not limited to any email instructions or
6 clarifications related to the use of the forms. [notices]

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

8 Defendant incorporates the General Objections as though fully set forth here.
9 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
10 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
11 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
12 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
13 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
14 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
15 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
16 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
17 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
18 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
19 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
20 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
21 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
22 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
23 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
24 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
25 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
26 City's policies and practices are unconstitutional and not that each past application of
27 those policies and practices to its members was unconstitutional."). Defendant also
28 objects that the proposed discovery is not relevant to establishing *Monell* liability for the

1 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need
2 only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects
3 that the Request is overbroad and burdensome in seeking all communications, including
4 emails, regarding the use of forms by Defendant, LAHSA, Chrysalis, and Clean Harbors
5 dating back to April 2016, three years before Plaintiffs’ specific incidents occurred as
6 alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks
7 information protected from disclosure by the attorney-client privilege and or attorney
8 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
9 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
10 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

11 Defendant further objects that the Request is burdensome and not proportional to
12 the needs of the case, insofar as the burden of searching for and producing all
13 communications, including emails, regarding the use of forms by Defendant, LAHSA,
14 Chrysalis, and Clean Harbors dating back to April 2016 outweighs the benefit of such
15 information for Plaintiffs’ claims, and Defendant’s costs or expense in conducting the
16 search and producing documents greatly exceeds the amount in controversy for Plaintiff’s
17 alleged damages.

18 Specifically, in order to search for and obtain documents responsive to the
19 Request, Defendant would have to investigate the identify of all potential custodians who
20 may have sent or received an email regarding the use of form for an encampment cleanup
21 over a four-year period, including personnel from LASAN, UHRC, LAPD, the City
22 Attorney’s Office, and possibly other City departments. Defendant would then have to
23 conduct search parameters for all communications over a four-year period involving all
24 identified custodians from different City departments.

25 Defendant uses an email system known as CityMail that is based on an
26 implementation of Google Apps Premier Edition and is used by nearly every City entity,
27 including 40 different departments. Defendant’s CityMail system uses the Google Vault
28 system for archiving emails. Google Vault is a cloud-based data storage system; rather

1 than being stored on locally managed servers, the archived email data is stored on remote
2 servers that are managed by Google, Inc. and are only accessible to Defendant's office
3 via the internet. In order to search the email archives, Defendant's ITA must formulate a
4 search query utilizing the search terms and restrictions provided by the requester.
5 Depending on the number and complexity of search terms, the number of email accounts
6 or document custodians, and the breadth of the search, ITA may need to formulate more
7 than one search query and scan the stored data multiple times. When the search
8 completes, Google Vault provides preliminary information regarding the email data
9 gathered by the search. In order to access the actual emails, however, the entire store of
10 data must first be exported from the cloud-servers to a different "download" server to
11 which ITA can connect via the internet and from which we can then download the data.
12 Depending on the size of the data, the download process the most time-consuming part of
13 gathering the email data. Even when ITA allocates multiple personnel to conduct search
14 queries in order to speed up the archived email search and collection process, ITA is still
15 limited by the speeds at which the data can be transferred from the download server to
16 Defendant's local data storage devices. As downloads of batches of data become
17 available, ITA begins the process of identifying the email addresses that accompany the
18 data against the list of individuals identified in the data request and thereafter segregates
19 the email stores of matching individuals. ITA would also identify and screen emails of
20 City Attorneys begin the process of identifying and screening-out the emails of city
21 attorneys and may need to conduct subsequent queries to screen out attorneys for
22 purposes of compiling a list of excluded emails for a privilege log.

23 In addition, Defendant would need to determine whether a City department utilizes
24 systems-based network servers that may include network folders used to store or maintain
25 communications within a particular division or department section. In order to retrieve
26 systems-based server folders for review, Defendant would require a technology
27 professional who has administrator privileges to make a copy of the drive(s), which can
28 range in size by terabytes of data. In order to search certain folders on system-based

1 network drives, a technology professional who has administrator privileges, would use
2 the Microsoft Windows File Explorer search function, the limited search function
3 available by default on Windows. The limited search capabilities of the Windows File
4 Explorer search tool may not be able to accommodate full searches within documents or
5 Boolean searches. The resulting hits might include systems files, applications,
6 downloads, or media which may or may not be viewable. After Defendant has conducted
7 searches for electronically stored information, Defendant would require the use of an e-
8 discovery software and platform for Defendant's counsel to review, search, and tag
9 documents and electronically stored information for responsiveness or privilege.

10 Defendant objects that the Request seeks documents that are not reasonably
11 accessible based on the undue burden and costs associated with searching for and
12 producing documents and electronically stored information responsive to this Request for
13 the reasons described above. Subject to and without waiving these objections, Defendant
14 previously produced certain documents responsive to this Request, including LASAN
15 interdepartmental memoranda and instructions regarding the use of forms for storage of
16 property.

17 **REQUEST FOR PRODUCTION NO. 27:**

18 One copy of each notice (an[sic] all versions of said notice) used by the CITY or
19 any of its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors,
20 related to ENCAMPMENT CLEANUPS.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

22 Defendant incorporates the General Objections as though fully set forth here.
23 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
24 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
25 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
26 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
27 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
28 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at

1 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
2 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
3 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
4 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
5 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
6 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
7 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
8 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
9 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
10 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
11 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
12 City's policies and practices are unconstitutional and not that each past application of
13 those policies and practices to its members was unconstitutional."). Defendant also
14 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
15 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
16 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
17 that the Request is overbroad in seeking all forms used by any contractor or subcontractor
18 relating to encampment cleanups dating back to April 2016, three years before Plaintiffs'
19 specific alleged incidents occurred. Defendant further objects that Request is not
20 proportional to the needs of the case, insofar as the burden or expense of searching for
21 and producing all forms used by any contractor or subcontractor dating back to April
22 2016 outweighs the benefit of such irrelevant discovery to Plaintiff's specific claims
23 alleged in the SAC. Without waiving any, and based on these objections, Defendant
24 produced the actual form of notices posted during any cleanups in its incident-specific
25 document production at CITY00001-2677 and forms of notices used for encampment
26 cleanups and will produce additional forms responsive to this Request, if any, in
27 Defendant's possession, custody or control.

1 **REQUEST FOR PRODUCTION NO. 28:**

2 All instructions, manuals, training materials and policies related to any notice used
3 by the CITY or any of its contractors or subcontractors, including Chrysalis, LAHSA,
4 and Clean Harbors that is related to ENCAMPMENT CLEANUPS.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

6 Defendant incorporates the General Objections as though fully set forth here.
7 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
8 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
9 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
10 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
11 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
12 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
13 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
14 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
15 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
16 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
17 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
18 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
19 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
20 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
21 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
22 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
23 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
24 City's policies and practices are unconstitutional and not that each past application of
25 those policies and practices to its members was unconstitutional."). Defendant also
26 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
27 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
28 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects

1 that the Request is overbroad in seeking documents dating back to April 2016, three years
2 before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant objects
3 that the Request is not proportional to the needs of the case, insofar as the burden or
4 expense of searching for and producing documents dating back to April 2016, three years
5 before the specific alleged incidents occurred, outweighs the benefit of such discovery to
6 Plaintiffs' specific claims alleged in the SAC. Subject to and without waiving these
7 objections, Defendant responds as follows: Subject to and without waiving these
8 objections, Defendant responds as follows: Defendant previously produced documents
9 responsive to this Request and will produce additional documents responsive to this
10 Request, if any, in Defendant's possession, custody or control.

11 **REQUEST FOR PRODUCTION NO. 29:**

12 All COMMUNICATIONS related to the use of notices used by the CITY or any of
13 its contractors or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that
14 are related to ENCAMPMENT CLEANUPS, including but not limited to any email
15 instructions or clarifications related to the use of the notices.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

17 Defendant incorporates the General Objections as though fully set forth here.
18 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
19 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
20 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
21 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
22 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
23 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
24 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
25 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
26 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
27 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
28 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd

1 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
2 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
3 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
4 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
5 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
6 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
7 City's policies and practices are unconstitutional and not that each past application of
8 those policies and practices to its members was unconstitutional."). Defendant also
9 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
10 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
11 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
12 that the Request is overbroad and burdensome in seeking all communications, including
13 emails, regarding the use of notices by Defendant, LAHSA, Chrysalis, and Clean Harbors
14 dating back to April 2016, three years before Plaintiffs' specific incidents occurred as
15 alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks
16 information protected from disclosure by the attorney-client privilege and or attorney
17 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
18 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
19 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

20 Defendant further objects that the Request is burdensome and not proportional to
21 the needs of the case, insofar as the burden of searching for and producing all
22 communications, including emails, regarding the use of notices by Defendant, LAHSA,
23 Chrysalis, and Clean Harbors dating back to April 2016 outweighs the benefit of such
24 information for Plaintiffs' claims, and Defendant's costs or expense in conducting the
25 search and producing documents greatly exceeds the amount in controversy for Plaintiffs'
26 alleged damages.

27 Specifically, in order to search for and obtain documents responsive to the
28 Request, Defendant would have to investigate the identify of all potential custodians who

1 may have sent or received an email regarding the use of notice for an encampment
2 cleanup over a four-year period, including personnel from LASAN, UHRC, LAPD, the
3 City Attorney's Office, and possibly other City departments. Defendant would then have
4 to conduct search parameters for all communications over a four-year period involving all
5 identified custodians from different City departments.

6 Defendant uses an email system known as CityMail that is based on an
7 implementation of Google Apps Premier Edition and is used by nearly every City entity,
8 including 40 different departments. Defendant's CityMail system uses the Google Vault
9 system for archiving emails. Google Vault is a cloud-based data storage system; rather
10 than being stored on locally managed servers, the archived email data is stored on remote
11 servers that are managed by Google, Inc. and are only accessible to Defendant's office
12 via the internet. In order to search the email archives, Defendant's ITA must formulate a
13 search query utilizing the search terms and restrictions provided by the requester.
14 Depending on the number and complexity of search terms, the number of email accounts
15 or document custodians, and the breadth of the search, ITA may need to formulate more
16 than one search query and scan the stored data multiple times. When the search
17 completes, Google Vault provides preliminary information regarding the email data
18 gathered by the search. In order to access the actual emails, however, the entire store of
19 data must first be exported from the cloud-servers to a different "download" server to
20 which ITA can connect via the internet and from which we can then download the data.
21 Depending on the size of the data, the download process the most time-consuming part of
22 gathering the email data. Even when ITA allocates multiple personnel to conduct search
23 queries in order to speed up the archived email search and collection process, ITA is still
24 limited by the speeds at which the data can be transferred from the download server to
25 Defendant's local data storage devices. As downloads of batches of data become
26 available, ITA begins the process of identifying the email addresses that accompany the
27 data against the list of individuals identified in the data request and thereafter segregates
28 the email stores of matching individuals. ITA would also identify and screen emails of

1 City Attorneys begin the process of identifying and screening-out the emails of city
2 attorneys and may need to conduct subsequent queries to screen out attorneys for
3 purposes of compiling a list of excluded emails for a privilege log.

4 In addition, Defendant would need to determine whether a City department utilizes
5 systems-based network servers that may include network folders used to store or maintain
6 communications regarding the use of notices within a particular division or department
7 section. In order to retrieve systems-based server folders for review, Defendant would
8 require a technology professional who has administrator privileges to make a copy of the
9 drive(s), which can range in size by terabytes of data. In order to search certain folders
10 on system-based network drives, a technology professional who has administrator
11 privileges, would use the Microsoft Windows File Explorer search function, the limited
12 search function available by default on Windows. The limited search capabilities of the
13 Windows File Explorer search tool may not be able to accommodate full searches within
14 documents or Boolean searches. The resulting hits might include systems files,
15 applications, downloads, or media which may or may not be viewable. After Defendant
16 has conducted searches for electronically stored information, Defendant would require
17 the use of an e-discovery software and platform for Defendant's counsel to review,
18 search, and tag documents and electronically stored information for responsiveness or
19 privilege.

20 Defendant objects that the Request seeks documents that are not reasonably
21 accessible based on the undue burden and costs associated with searching for and
22 producing documents and electronically stored information responsive to this Request for
23 the reasons described above. Subject to and without waiving these objections, Defendant
24 previously produced certain documents responsive to this Request, including LASAN
25 interdepartmental memoranda and instructions regarding the use of notices for
26 encampment cleanups.

REQUEST FOR PRODUCTION NO. 30:

All records documenting the posting of notices for ENCAMPMENT CLEANUPS, including but not limited to “survey/postings” records created by LA Sanitation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs’ specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA’s claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City’s policies or practices to KFA’s members. Dkt. No. 65 at 7 (“[T]he Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the City’s policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional.”). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects that the Request is overbroad and burdensome in seeking all records documenting

1 encampment cleanups dating back over four years to April 2016 that are unrelated, and
2 not relevant, to Plaintiffs' specific claims alleged in the SAC. Defendant also objects to
3 the Request to the extent the Request seeks information protected from disclosure by the
4 attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule
5 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal.
6 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S.
7 Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

8 Defendant further objects that the Request is burdensome and not proportional to
9 the needs of the case, insofar as the burden of searching for and producing all records
10 documenting posting of notices for encampment cleanups outweighs the benefit of such
11 information for Plaintiffs' claims, and Defendant's costs or expense in conducting the
12 search and producing documents greatly exceeds the amount in controversy for Plaintiff's
13 alleged damages.

14 Specifically, in order to search for and obtain documents responsive to the
15 Request, Defendant would need to search the LASAN's WPIMS database to identify all
16 incidents constituting "encampment cleanups" as defined in the Request. Defendant
17 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
18 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
19 would have to conduct a query and search parameters within WPIMS to generate a report
20 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
21 incident/case number, and form of encampment cleanup. Defendant identified 22,089
22 incidents involving posted cleanups. For each identified incident number, Defendant
23 would need to generate reports within WPIMS for the encampment cleanup, and collect
24 associated posting surveys for each cleanup. Defendant would then have to conduct
25 additional searches for encampment cleanup pictures and media files by incident number
26 that are not stored on WPIMS. The number of pictures associated with an encampment
27 cleanup could exceed over 700 pictures for one incident report. Defendant would also
28

1 have to manually search for, collect, and assemble related documents by incident number,
2 including cleanup authorizations for each incident within LASAN's AMS.

3 Defendant would also need to search for potentially responsive documents or
4 information for encampment cleanups as defined in the Request that may be maintained
5 within LASAN's Customer Service Group's MyLA database for service
6 requests. Defendant would have to conduct a search parameter for service requests
7 relating to encampment cleanups as defined in the Request for the period from April 1,
8 2016 to the present and generate a report identifying service requests for defined
9 encampment cleanups by location address and date range. Defendant would then need an
10 analyst to manually review MyLA data and cross-reference incident/case numbers,
11 addresses, and dates identified by Defendant's WPIMS query to determine potentially
12 corresponding service requests for identified encampment cleanups involving posted
13 notices. Defendant would then have to prepare a separate report containing identified
14 service requests within the MyLA database corresponding to identified WPIMS
15 incident/case numbers for encampment cleanups involving posted notices. In addition,
16 for cleanups occurring after October 2019, Defendant would have to conduct searches for
17 potentially responsive documents within the City's daily schedules issued for CARE and
18 CARE+ operations by reviewing schedules and cross referencing the schedules with
19 identified incident/case numbers, dates, and locations. Defendant objects that the
20 Request seeks documents that are not reasonably accessible based on the undue burden
21 and costs associated with searching for and producing documents responsive to this
22 Request for the reasons described above. Without waiving any, and based on these,
23 objections, Defendant responds that Defendant produced LASAN posting surveys
24 responsive to this Request for the individual Plaintiffs' specific alleged incidents at
25 CTY000001-2677, but Defendant objects to further production of documents responsive
26 to this Request.
27
28

REQUEST FOR PRODUCTION NO. 31:

All data contained within the database used to generate the Health Hazard Assessment Reports by LA Sanitation, Environmental Enforcement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant also objects to the Request to the extent the Request seeks information protected from

1 disclosure by the attorney-client privilege and or attorney work product
2 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
3 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
4 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

5 Defendant further objects that the Request is burdensome and not proportional to
6 the needs of the case, insofar as the burden of searching for and producing any such
7 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
8 Defendant's costs or expense in conducting the search and producing documents greatly
9 exceeds the amount in controversy for Plaintiffs' alleged damages.

10 Specifically, in order to search for and obtain documents responsive to the
11 Request, Defendant would need to search LASAN's WPIMS database to identify all
12 incidents constituting "encampment cleanups" as defined in the Request. Defendant
13 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
14 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
15 would have to conduct a query and search parameters within WPIMS to generate a report
16 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
17 incident/case number, and form of encampment cleanup. For each identified incident
18 number, Defendant would need to generate reports within WPIMS for the encampment
19 cleanup, and collect associated health hazard checklists by incident number. Defendant
20 uses WPIMS to generate cleanup reports for encampment cleanups, while LASAN's
21 health hazard checklists are standardized forms that are completed manually by
22 environmental compliance inspectors conducting specified encampment cleanups.
23 Defendant would also have to manually search for, collect, and assemble related
24 documents by incident number, including hazardous-waste disposal records and non-
25 hazardous waste disposal records for each incident. Defendant previously conducted a
26 search for and produced incident-specific documents for encampment cleanups, including
27 health hazard checklists for the named individual plaintiffs' specific incidents at
28 CITY00001-2677.

1 In addition, the Request for all data maintained in WPIMS is overbroad as the
2 database is used by LASAN's Watershed Protection Division for other purposes,
3 including environmental and stormwater pollution cases, among others. Defendant
4 further objects to producing all data within WPIMS over a four-year period irrespective
5 of subject matter as the Request is extremely overbroad, burdensome, and not
6 proportional to Plaintiff El-Bey's discovery needs. Defendant objects that the Request
7 seeks documents that are not reasonably accessible based on the undue burden and costs
8 associated with searching for and producing documents responsive to this Request for the
9 reasons described above. Without waiving any, and based on these, objections,
10 Defendant responds that Defendant produced LASAN health hazard checklists
11 responsive to this Request for the individual Plaintiffs' specific alleged incidents at
12 CTY000001-2677, but Defendant objects to further production of documents responsive
13 to this Request.

14 **REQUEST FOR PRODUCTION NO. 32:**

15 All data contained within the Online Encampment Authorization database.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

17 Defendant incorporates the General Objections as though fully set forth here.
18 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
19 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
20 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
21 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
22 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
23 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
24 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
25 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
26 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
27 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
28 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd

1 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
2 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
3 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
4 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
5 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
6 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
7 City's policies and practices are unconstitutional and not that each past application of
8 those policies and practices to its members was unconstitutional."). Defendant also
9 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
10 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
11 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
12 that the Request is overbroad and burdensome in seeking all records documenting
13 encampment cleanups dating back over four years to April 2016 that are unrelated, and
14 not relevant, to Plaintiffs' specific claims alleged in the SAC. Defendant also objects to
15 the Request to the extent the Request seeks information protected from disclosure by the
16 attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule
17 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal.
18 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S.
19 Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

20 Defendant further objects that the Request is burdensome and not proportional to
21 the needs of the case, insofar as the burden of searching for and producing all records
22 documenting posting of notices for encampment cleanups outweighs the benefit of such
23 information for Plaintiffs' claims, and Defendant's costs or expense in conducting the
24 search and producing documents greatly exceeds the amount in controversy for Plaintiff's
25 alleged damages.

26 Defendant objects that the term "Online Encampment Authorization" database is
27 vague and ambiguous. Defendant interprets such term to refer to LASAN's AMS for
28 authorizations for encampment cleanups. Specifically, in order to search for and obtain

documents responsive to the Request, Defendant would need to search the LASAN's WPIMS database to identify all incidents constituting "encampment cleanups" as defined in the Request. Defendant identified 41,734 incidents within WPIMS constituting "encampment cleanups" as defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant would have to conduct a query and search parameters within WPIMS to generate a report identifying all 41,734 incidents by the address listed for the encampment cleanup, date, incident/case number, and form of encampment cleanup. Defendant identified 22,089 incidents involving posted cleanups. For each identified incident number, Defendant would need to generate reports within WPIMS for the encampment cleanup. Defendant would then have to manually search for, collect, and assemble cleanup authorizations within AMS for each identified incident/case number.

In addition, Defendant objects to producing all data within AMS over a four-year period irrespective of subject matter as the Request is extremely overbroad, burdensome, and not proportional to Plaintiff El-Bey's discovery needs. Defendant objects that the Request seeks documents that are not reasonably accessible based on the undue burden and costs associated with searching for and producing documents responsive to this Request for the reasons described above.

To the extent that the Requests seeks information for encampment cleanups maintained with LASAN's Customer Service Group's MyLA database for service requests, Defendant also objects that the Request is burdensome and not proportional to the discovery needs of the case. Defendant would have to conduct a search parameter for service requests relating to encampment cleanups as defined in the Request for the period from April 1, 2016 to the present and generate a report identifying service requests for defined encampment cleanups by location address and date range. Defendant would then need an analyst to manually review MyLA data and cross-reference incident/case numbers, addresses, and dates identified by Defendant's WPIMS query to determine potentially corresponding service requests for identified encampment cleanups involving

1 posted notices. Defendant would then have to prepare a separate report containing
2 identified service requests within the MyLA database corresponding to identified WPIMS
3 incident/case numbers for encampment cleanups. Defendant objects that the Request
4 seeks documents that are not reasonably accessible based on the undue burden and costs
5 associated with searching for and producing documents responsive to this Request for the
6 reasons described above. Without waiving any, and based on these, objections,
7 Defendant responds that Defendant produced LASAN encampment authorizations
8 responsive to this Request for the individual Plaintiffs' specific alleged incidents at
9 CTY000001-2677, but Defendant objects to further production of documents responsive
10 to this Request.

11 **REQUEST FOR PRODUCTION NO. 33:**

12 All HOPE/Rapid Response 56.11 Enforcement Reports and related
13 DOCUMENTS. This request includes related Health Hazard checklists, HOPE Metrics
14 sheets, photographs, and other DOCUMENTS related to these reports.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

16 Defendant incorporates the General Objections as though fully set forth here.
17 Defendant objects that the Request seeks documents that are not relevant to Plaintiff El-
18 Bey's specific claims alleged in the SAC relating to incidents occurring on or around
19 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
20 and Western. Defendant further objects that the Request seeks documents that are not
21 relevant to any named-plaintiffs' claims as alleged in the SAC. The Court struck Plaintiff
22 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
23 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
24 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
25 City's policies and practices are unconstitutional and not that each past application of
26 those policies and practices to its members was unconstitutional."). Defendant also
27 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
28 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need

1 only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects
2 that the Request is overbroad and burdensome in seeking documents regarding
3 encampment cleanups dating back over four years to April 1, 2016 that are unrelated, and
4 not relevant, to Plaintiff El Bey’s specific claims alleged in the SAC. Defendant also
5 objects to the Request to the extent the Request seeks information protected from
6 disclosure by the attorney-client privilege and or attorney work product
7 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
8 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
9 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

10 Defendant further objects that the Request is burdensome and not proportional to
11 the needs of the case, insofar as the burden of searching for and producing any such
12 proposed discovery outweighs the benefit of such information for Plaintiff El Bey’s
13 claims and Defendant’s costs or expense in conducting the search and producing
14 documents greatly exceeds the amount in controversy for Plaintiff’s alleged damages.

15 Specifically, in order to search for and obtain documents responsive to the
16 Request, Defendant would need to search LASAN’s WPIMS database to identify all
17 incidents constituting “encampment cleanups” as defined in the Request. Defendant
18 identified 41,734 incidents within WPIMS constituting “encampment cleanups” as
19 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
20 would have to conduct a query and search parameters within WPIMS to generate a report
21 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
22 incident/case number, and form of encampment cleanup. For each identified incident
23 number, Defendant would need to generate reports within WPIMS for the encampment
24 cleanup, and collect associated health hazard checklists by incident number.

25 For each identified incident number, Defendant would need to generate reports
26 within WPIMS for the encampment cleanup, and collect associated health hazard
27 checklists. Defendant would then have to conduct additional searches for encampment
28 cleanup pictures and media files by incident number that are not stored on WPIMS. The

1 number of pictures associated with an encampment cleanup could exceed over 700
2 pictures for one incident report. Defendant would also have to manually search for,
3 collect, and assemble related documents by incident number, including any posting
4 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
5 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
6 specified incident/case numbers for responsive encampment cleanups, Defendant would
7 then have to conduct searches for potentially responsive LAPD records for any incidents
8 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
9 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
10 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
11 Reports. In addition, Defendant would have to search for LAPD body worn video that
12 may exist for identified incidents involving LAPD HOPE Officers and review such video
13 for responsiveness to the Request. Defendant previously conducted a search for and
14 produced such incident-specific documents for the named individual plaintiffs' specific
15 incidents at CITY00001-2677.

16 Defendant would also need to search for potentially responsive documents or
17 information for encampment cleanups as defined in the Request that may be maintained
18 within LASAN's Customer Service Group's MyLA database for service
19 requests. Defendant would have to conduct a search parameter for service requests
20 relating to encampment cleanups as defined in the Request for the period from April 1,
21 2016 to the present and generate a report identifying service requests for defined
22 encampment cleanups by location address and date range. Defendant would then need an
23 analyst to manually review MyLA data and cross-reference incident/case numbers,
24 addresses, and dates identified by Defendant's WPIMS query to determine potentially
25 corresponding service requests for identified encampment cleanups. Defendant would
26 then have to prepare a separate report containing identified service requests within the
27 MyLA database corresponding to identified WPIMS incident/case numbers for
28 encampment cleanups. In addition, for cleanups occurring after October 2019, Defendant

1 would have to conduct searches for potentially responsive documents within the City's
2 daily schedules issued for CARE and CARE+ operations by reviewing schedules and
3 cross referencing the schedules with identified incident/case numbers, dates, and
4 locations. Defendant objects that the Request seeks documents that are not reasonably
5 accessible based on the undue burden and costs associated with searching for and
6 producing documents responsive to this Request for the reasons described
7 above. Without waiving any, and based on these, objections, Defendant responds that
8 Defendant produced LAPD HOPE and LASAN 56.11 enforcement reports responsive to
9 this Request for the individual Plaintiffs' specific alleged incidents at CTY000001-2677,
10 but Defendant objects to further production of documents responsive to this Request.

11 **REQUEST FOR PRODUCTION NO. 34:**

12 All Health Hazard Assessment Reports and related documents created by LA
13 Sanitation to document ENCAMPMENT CLEANUPS. This includes but is not limited to
14 Health Hazard checklists, Metrics sheets, photographs, and other DOCUMENTS related
15 to these reports.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

17 Defendant incorporates the General Objections as though fully set forth here.
18 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
19 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
20 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
21 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
22 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
23 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
24 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
25 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
26 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
27 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
28 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd

1 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
2 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
3 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
4 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
5 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
6 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
7 City's policies and practices are unconstitutional and not that each past application of
8 those policies and practices to its members was unconstitutional."). Defendant also
9 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
10 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
11 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
12 that the Request is overbroad and burdensome in seeking documents regarding
13 encampment cleanups dating back over four years to April 1, 2016 that are unrelated, and
14 not relevant, to Plaintiffs' specific claims alleged in the SAC. Defendant also objects to
15 the Request to the extent the Request seeks information protected from disclosure by the
16 attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule
17 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal.
18 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S.
19 Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

20 Defendant further objects that the Request is burdensome and not proportional to
21 the needs of the case, insofar as the burden of searching for and producing any such
22 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
23 Defendant's costs or expense in conducting the search and producing documents greatly
24 exceeds the amount in controversy for Plaintiff's alleged damages.

25 Specifically, in order to search for and obtain documents responsive to the
26 Request, Defendant would need to search LASAN's WPIMS database to identify all
27 incidents constituting "encampment cleanups" as defined in the Request. Defendant
28 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as

1 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
2 would have to conduct a query and search parameters within WPIMS to generate a report
3 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
4 incident/case number, and form of encampment cleanup. For each identified incident
5 number, Defendant would need to generate reports within WPIMS for the encampment
6 cleanup, and collect associated health hazard checklists by incident number.

7 For each identified incident number, Defendant would need to generate reports
8 within WPIMS for the encampment cleanup, and collect associated health hazard
9 checklists. Defendant would then have to conduct additional searches for encampment
10 cleanup pictures and media files by incident number that are not stored on WPIMS. The
11 number of pictures associated with an encampment cleanup could exceed over 700
12 pictures for one incident report. Defendant would also have to manually search for,
13 collect, and assemble related documents by incident number, including any posting
14 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
15 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
16 specified incident/case numbers for responsive encampment cleanups, Defendant would
17 then have to conduct searches for potentially responsive LAPD records for any incidents
18 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
19 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
20 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
21 Reports. In addition, Defendant would have to search for LAPD body worn video that
22 may exist for identified incidents involving LAPD HOPE Officers and review such video
23 for responsiveness to the Request. Defendant previously conducted a search for and
24 produced such incident-specific documents for the named individual plaintiffs' specific
25 incidents at CITY00001-2677.

26 Defendant would also need to search for potentially responsive documents or
27 information for encampment cleanups as defined in the Request that may be maintained
28 within LASAN's Customer Service Group's MyLA database for service

1 requests. Defendant would have to conduct a search parameter for service requests
2 relating to encampment cleanups as defined in the Request for the period from April 1,
3 2016 to the present and generate a report identifying service requests for defined
4 encampment cleanups by location address and date range. Defendant would then need an
5 analyst to manually review MyLA data and cross-reference incident/case numbers,
6 addresses, and dates identified by Defendant's WPIMS query to determine potentially
7 corresponding service requests for identified encampment cleanups. Defendant would
8 then have to prepare a separate report containing identified service requests within the
9 MyLA database corresponding to identified WPIMS incident/case numbers for
10 encampment cleanups. In addition, for cleanups occurring after October 2019, Defendant
11 would have to conduct searches for potentially responsive documents within the City's
12 daily schedules issued for CARE and CARE+ operations by reviewing schedules and
13 cross referencing the schedules with identified incident/case numbers, dates, and
14 locations. Defendant objects that the Request seeks documents that are not reasonably
15 accessible based on the undue burden and costs associated with searching for and
16 producing documents responsive to this Request for the reasons described
17 above. Without waiving any, and based on these, objections, Defendant responds that
18 Defendant produced LASAN health hazard assessments, encampment cleanup reports,
19 photographs and documents responsive to this Request for the individual Plaintiffs'
20 specific alleged incidents at CTY000001-2677, but Defendant objects to further
21 production of documents responsive to this Request.

22 **REQUEST FOR PRODUCTION NO. 35:**

23 All reports, summaries, statistics, analysis or data compilations related to
24 ENCAMPMENT CLEANUPS.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

26 Defendant incorporates the General Objections as though fully set forth here.
27 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
28 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").

1 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
2 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
3 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
4 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
5 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
6 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
7 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
8 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
9 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
10 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
11 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
12 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
13 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
14 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
15 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
16 City's policies and practices are unconstitutional and not that each past application of
17 those policies and practices to its members was unconstitutional."). Defendant also
18 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
19 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
20 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
21 that the Request is overbroad and burdensome in seeking documents regarding
22 encampment cleanups dating back over four years to April 1, 2016 that are unrelated, and
23 not relevant, to Plaintiffs' specific claims alleged in the SAC. Defendant also objects to
24 the Request to the extent the Request seeks information protected from disclosure by the
25 attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule
26 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal.
27 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S.
28 Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing any such
3 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
4 Defendant's costs or expense in conducting the search and producing documents greatly
5 exceeds the amount in controversy for Plaintiff's alleged damages.

6 Specifically, in order to search for and obtain documents responsive to the
7 Request, Defendant would need to search LASAN's WPIMS database to identify all
8 incidents constituting "encampment cleanups" as defined in the Request. Defendant
9 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
10 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
11 would have to conduct a query and search parameters within WPIMS to generate a report
12 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
13 incident/case number, and form of encampment cleanup. For each identified incident
14 number, Defendant would need to generate reports within WPIMS for the encampment
15 cleanup, and collect associated health hazard checklists by incident number.

16 For each identified incident number, Defendant would need to generate reports
17 within WPIMS for the encampment cleanup, and collect associated health hazard
18 checklists. Defendant would then have to conduct additional searches for encampment
19 cleanup pictures and media files by incident number that are not stored on WPIMS. The
20 number of pictures associated with an encampment cleanup could exceed over 700
21 pictures for one incident report. Defendant would also have to manually search for,
22 collect, and assemble related documents by incident number, including any posting
23 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
24 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
25 specified incident/case numbers for responsive encampment cleanups, Defendant would
26 then have to conduct searches for potentially responsive LAPD records for any incidents
27 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
28 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander

1 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
2 Reports. In addition, Defendant would have to search for LAPD body worn video that
3 may exist for identified incidents involving LAPD HOPE Officers and review such video
4 for responsiveness to the Request. Defendant previously conducted a search for and
5 produced such incident-specific documents for the named individual plaintiffs' specific
6 incidents at CITY00001-2677.

7 Defendant would also need to search for potentially responsive documents or
8 information for encampment cleanups as defined in the Request that may be maintained
9 within LASAN's Customer Service Group's MyLA database for service
10 requests. Defendant would have to conduct a search parameter for service requests
11 relating to encampment cleanups as defined in the Request for the period from April 1,
12 2016 to the present and generate a report identifying service requests for defined
13 encampment cleanups by location address and date range. Defendant would then need an
14 analyst to manually review MyLA data and cross-reference incident/case numbers,
15 addresses, and dates identified by Defendant's WPIMS query to determine potentially
16 corresponding service requests for identified encampment cleanups. Defendant would
17 then have to prepare a separate report containing identified service requests within the
18 MyLA database corresponding to identified WPIMS incident/case numbers for
19 encampment cleanups.

20 In addition, Defendant would have to search for all statistical analysis or data
21 compilations relating to encampment cleanups dating back to April 1, 2016. Defendant
22 would have to search for weekly service request reports regarding encampment cleanups
23 over a four-year period, quarterly reports to the CAO over a four-year period, LAPD
24 reports over a four-year period, and any UHRC reports over dating back to 2018.
25 Defendant objects that the Request seeks documents that are not reasonably accessible
26 based on the undue burden and costs associated with searching for and producing
27 documents responsive to this Request for the reasons described above. Without waiving
28 any, and based on these, objections, the Defendant objected to producing documents

responsive to this Request but remains willing to conduct a further meet-and-confer discussion with Plaintiffs regarding a narrowed request for specific reports or data compilations.

REQUEST FOR PRODUCTION NO. 36:

All reports, summaries, statistics, analysis or data compilations related to the enforcement of LAMC 56.11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the

1 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
2 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
3 that the Request is overbroad and burdensome in seeking documents regarding
4 encampment cleanups involving LAMC 56.11 enforcement actions dating back over four
5 years to April 1, 2016 that are unrelated, and not relevant, to Plaintiffs' specific claims
6 alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks
7 information protected from disclosure by the attorney-client privilege and or attorney
8 work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*,
9 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV
10 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

11 Defendant further objects that the Request is burdensome and not proportional to
12 the needs of the case, insofar as the burden of searching for and producing any such
13 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
14 Defendant's costs or expense in conducting the search and producing documents greatly
15 exceeds the amount in controversy for Plaintiff's alleged damages.

16 Specifically, in order to search for and obtain documents responsive to the
17 Request, Defendant would need to search LASAN's WPIMS database to identify all
18 incidents constituting "encampment cleanups" as defined in the Request. Defendant
19 identified 41,734 incidents within WPIMS constituting "encampment cleanups" as
20 defined in the Request for the period from April 1, 2016 to July 31, 2020. Defendant
21 would have to conduct a query and search parameters within WPIMS to generate a report
22 identifying all 41,734 incidents by the address listed for the encampment cleanup, date,
23 incident/case number, and form of encampment cleanup. For each identified incident
24 number, Defendant would need to generate reports within WPIMS for the encampment
25 cleanup involving LAMC 56.11 enforcement actions, and collect associated health hazard
26 checklists by incident number.

27 For each identified incident number, Defendant would need to generate reports
28 within WPIMS for the encampment cleanup, and collect associated health hazard

1 checklists. Defendant would then have to conduct additional searches for encampment
2 cleanup pictures and media files by incident number that are not stored on WPIMS. The
3 number of pictures associated with an encampment cleanup could exceed over 700
4 pictures for one incident report. Defendant would also have to manually search for,
5 collect, and assemble related documents by incident number, including any posting
6 surveys, hazardous-waste disposal records, non-hazardous waste disposal records, and
7 cleanup authorizations maintained in LASAN's AMS. In addition, upon identifying
8 specified incident/case numbers for responsive encampment cleanups, Defendant would
9 then have to conduct searches for potentially responsive LAPD records for any incidents
10 involving LAPD HOPE officers by corresponding date, location, and LAPD Bureau,
11 including searches for LAPD Daily Field Activity Reports (DFAR), Watch Commander
12 Daily Reports, Sergeant's Daily Reports, and LAPD Computer Aided Dispatch (CAD)
13 Reports. In addition, Defendant would have to search for LAPD body worn video that
14 may exist for identified incidents involving LAPD HOPE Officers and review such video
15 for responsiveness to the Request. Defendant previously conducted a search for and
16 produced such incident-specific documents for the named individual plaintiffs' specific
17 incidents at CITY00001-2677.

18 Defendant would also need to search for potentially responsive documents or
19 information for encampment cleanups involving LAMC 56.11 enforcement actions as
20 defined in the Request that may be maintained within LASAN's Customer Service
21 Group's MyLA database for service requests. Defendant would have to conduct a search
22 parameter for service requests relating to encampment cleanups as defined in the Request
23 for the period from April 1, 2016 to the present and generate a report identifying service
24 requests for defined encampment cleanups by location address and date
25 range. Defendant would then need an analyst to manually review MyLA data and cross-
26 reference incident/case numbers, addresses, and dates identified by Defendant's WPIMS
27 query to determine potentially corresponding service requests for identified encampment
28 cleanups. Defendant would then have to prepare a separate report containing identified

1 service requests within the MyLA database corresponding to identified WPIMS
2 incident/case numbers for encampment cleanups.

3 In addition, Defendant would have to search for all statistical, analysis or data
4 compilations relating to encampment cleanups dating back to April 1, 2016. Defendant
5 would have to search for weekly service request reports regarding encampment cleanups
6 over a four-year period, quarterly reports to CAO over a four-year period, LAPD reports
7 over a four-year period, and any UHRC reports over dating back to 2018. Defendant
8 objects that the Request seeks documents that are not reasonably accessible based on the
9 undue burden and costs associated with searching for and producing documents
10 responsive to this Request for the reasons described above. Without waiving any, and
11 based on these, objections, the Defendant objected to producing documents responsive to
12 this Request but remains willing to conduct a further meet-and-confer discussion with
13 Plaintiffs regarding a narrowed request for specific reports or data compilations.

14 **REQUEST FOR PRODUCTION NO. 37:**

15 All personal property chain of custody forms, used to in relation to property seized
16 during ENCAMPMENT CLEANUPS.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

18 Defendant incorporates the General Objections as though fully set forth here.
19 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
20 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
21 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
22 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
23 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
24 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
25 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
26 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
27 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
28 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring

1 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
2 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
3 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
4 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
5 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
6 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
7 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
8 City's policies and practices are unconstitutional and not that each past application of
9 those policies and practices to its members was unconstitutional."). Defendant also
10 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
11 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
12 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
13 that the Request is overbroad in seeking all chain of custody forms used for encampment
14 cleanups dating back to April 2016, three years before Plaintiffs' specific alleged
15 incidents occurred. Defendant further objects that Request is not proportional to the
16 needs of the case, insofar as the burden or expense of searching for and producing all
17 forms used by any contractor or subcontractor dating back to April 2016 outweighs the
18 benefit of such irrelevant discovery to Plaintiffs' specific claims alleged in the SAC.
19 Without waiving any, and based on these objections, Defendant previously produced
20 chain of custody forms used for storage of property and will produce additional forms
21 responsive to this Request, if any, in Defendant's possession custody or control.

22 **REQUEST FOR PRODUCTION NO. 38:**

23 All Government Tort Claims filed against the CITY related to the seizure and/or
24 destruction of homeless people's belongings.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

26 Defendant incorporates the General Objections as though fully set forth here.
27 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
28 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").

1 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
2 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
3 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
4 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
5 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
6 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
7 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
8 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
9 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
10 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
11 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
12 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
13 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
14 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
15 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
16 City's policies and practices are unconstitutional and not that each past application of
17 those policies and practices to its members was unconstitutional."). Defendant also
18 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
19 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
20 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
21 that the Request is overbroad and burdensome in seeking all government tort claims filed
22 against the City dating back four years to April 1, 2016 that are unrelated, and not
23 relevant, to Plaintiffs' specific claims alleged in the SAC. Defendant also objects to the
24 Request to the extent the Request seeks information protected from disclosure by the
25 attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule
26 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal.
27 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S.
28 Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing any such
3 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
4 Defendant's costs or expense in conducting the search and producing documents greatly
5 exceeds the amount in controversy for Plaintiff's alleged damages.

6 Specifically, during the period from April 1, 2016 to July 30, 2020, a total of
7 26,775 government tort claims were filed against the City. In order to search for and
8 produce documents responsive to this Request, Defendant would need to create search
9 parameters to query Defendant's City Attorney's Office Citylaw database to search
10 government claims filed during this period; however, there are no fields to identify or
11 segregate claims filed relating to the seizure or destruction of homeless people's
12 belongings and such claims could be input into the database by different causes relating
13 to civil rights, property, miscellaneous, and input as claims against different departments,
14 such as LASAN, LAPD, or the City. Defendant would have to run multiple queries to
15 identify potentially responsive government claims out of these 26,775 claims by claim
16 number. Defendant would then need to assign an administrative clerk to manually pull
17 and review identified government claims by claim number to determine responsiveness.
18 In addition, Defendant objects that there are likely government tort claims not stored
19 within Citylaw, which would require a further search of hard copy files of government
20 claims stored offsite that would need to be recalled from storage and manually searched
21 for responsive documents. Defendant objects that the Request seeks documents that are
22 not reasonably accessible based on the undue burden and costs associated with searching
23 for and producing documents responsive to this Request for the reasons described
24 above. Without waiving any, and based on these objections, Defendant produced the
25 government claims filed by individual Plaintiffs at CTY004316-4358, but objects to
26 further production of documents in response to this Request.

1 **REQUEST FOR PRODUCTION NO. 39:**

2 All complaints or grievances filed against the CITY, including the LAPD, related
3 to the seizure and/or destruction of homeless people's belongings.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

5 Defendant incorporates the General Objections as though fully set forth here.
6 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
7 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
8 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
9 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
10 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
11 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
12 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
13 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
14 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
15 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
16 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
17 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
18 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
19 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
20 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
21 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
22 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
23 City's policies and practices are unconstitutional and not that each past application of
24 those policies and practices to its members was unconstitutional."). Defendant also
25 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
26 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
27 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
28 that the Request is overbroad and burdensome in seeking all claims or grievances filed

1 against the City and LAPD relating to seizure or destruction of homeless property dating
2 back four years to April 1, 2016 that are unrelated, and not relevant, to Plaintiffs' specific
3 claims alleged in the SAC. Defendant also objects to the Request to the extent the
4 Request seeks information protected from disclosure by the attorney-client privilege and
5 or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v.*
6 *Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*,
7 Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal.
8 Sep. 9, 2013).

9 Defendant further objects that the Request is burdensome and not proportional to
10 the needs of the case, insofar as the burden of searching for and producing any such
11 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
12 Defendant's costs or expense in conducting the search and producing documents greatly
13 exceeds the amount in controversy for Plaintiffs' alleged damages.

14 Specifically, in order to search for and obtain documents responsive to the
15 Request, Defendant would need to conduct a search within LAPD's Complaint
16 Management System ("CMS"). LAPD logged over 12,000 complaints within CMS over
17 the four-period dating back to April 2016. Each complaint is logged into the system and
18 maintained by a separate complaint-file (CF) number and categorized using codes for
19 allegation type, such as conduct unbecoming, misconduct, or bias. CMS does not contain
20 search field for allegation types based on seizure or destruction of property. Defendant
21 would have to assign an LAPD analyst to conduct queries of search terms through
22 digitized copies of over 12,000 complaints to locate potentially responsive documents to
23 the Request. A complete and closed complaint file contains approximately 100-250
24 pages, including forms for initial intake, field reports, investigative reports, medical
25 information, other legal documentation, and other administrative reports or decisions.
26 After running the search query, an analyst would have to identify complaint files by CF
27 number and manually review each complaint file to determine responsiveness and the
28 existence of confidential information, including medical information, that may require

1 redaction. The average time required to collect, review, and redact a complaint file is
2 approximately four hours.

3 In addition, Defendant would need to create search parameters to query
4 Defendant's City Attorney's Office Citylaw database to search government claims filed
5 against the City from April 1, 2016 to the present. A total of 26,775 government tort
6 claims were filed against the City during the period from April 1, 2016 to July 30, 2020.
7 Defendant's Citylaw database does not contain search fields to identify or segregate
8 claims filed relating to the seizure or destruction of homeless people's belongings and
9 such claims could be input into the database by different causes relating to civil rights,
10 property, miscellaneous, and input as claims against different departments, such as
11 LASAN, LAPD, or the City. Defendant would have to run multiple queries to identify
12 potentially responsive claims out of these 26,775 claims by claim number. Defendant
13 would then need to assign an administrative clerk to manually pull and review identified
14 government claims by claim number to determine responsiveness. In addition, Defendant
15 objects that there are likely government tort claims not stored within Citylaw, which
16 would require a further search of hard copy files of government claims stored offsite that
17 would need to be recalled from storage and manually searched for responsive documents.

18 Defendant objects that the Request seeks documents that are not reasonably
19 accessible based on the undue burden and costs associated with searching for and
20 producing documents responsive to this Request for the reasons described
21 above. Without waiving any, and based on these objections, Defendant produced the
22 LAPD complaints filed by individual Plaintiffs at CTY004511-4626, but objects to
23 further production of documents in response to this Request.

24 **REQUEST FOR PRODUCTION NO. 40:**

25 All police reports filed regarding seizure and/or destruction of homeless people's
26 belongings by the CITY, including by the LAPD or LA Sanitation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects that the Request is overbroad and burdensome in seeking all police reports filed regarding the seizure or destruction of homeless people's belongings dating back four years to April 1, 2016 that are unrelated, and not relevant, to Plaintiffs' specific claims alleged in the SAC.

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing any such
3 proposed discovery outweighs the benefit of such information for Plaintiffs' claims and
4 Defendant's costs or expense in conducting the search and producing documents greatly
5 exceeds the amount in controversy for Plaintiff's alleged damages.

6 Specifically, in order to search for and obtain documents responsive to the
7 Request, Defendant would need to identify search parameters to conduct a search within
8 LAPD's Automated Data System to identify Department Report (DR) numbers that may
9 relate to reports involving homeless individuals. Defendant located over 48,000 DR
10 numbers potentially relating to homeless individuals and over 3,300 DR numbers relating
11 to Release from Custody (RFC) citations for violation of LAMC 56.11. In order to
12 search for potentially responsive records, Defendant would need an analyst to create an
13 excel file extracting data from the query by DR number. Defendant would then need to
14 assign personnel to pull and review records by DR number to determine responsiveness
15 for over 48,000 DR files. Defendant would also need to pull and review RFCs for
16 violation of LAMC 56.11. To do so, Defendant would have to search over 102,000 RFCs
17 to locate the approximately 3,300 RFCs for violation for LAMC 56.11, and would also
18 need to locate and retrieve RFC files for storage to conduct the search for RFCs.
19 Defendant estimates that it would take approximately 1,950 hours for an administrative
20 clerk to locate, obtain and review over 100,000 RFCs and separate and copy over 3,300
21 RFCs for LAMC 56.11.

22 Defendant objects that the Request seeks documents that are not reasonably
23 accessible based on the undue burden and costs associated with searching for and
24 producing documents responsive to this Request for the reasons described
25 above. Without waiving any, and based on these objections, Defendant produced police
26 reports regarding the individual Plaintiffs at CTY006828-6892, Defendant is willing to
27 conduct a further meet-and-confer discussion with Plaintiffs regarding a spreadsheet of
28

1 LAMC 56.11 RFCs, but objects to further production of documents in response to this
2 Request.

3 **REQUEST FOR PRODUCTION NO. 41:**

4 All DOCUMENTS related to any investigation, response or COMMUNICATION
5 regarding or related to any complaint, police report or grievance filed with the CITY
6 regarding seizure and/or destruction of homeless people's belongings by the CITY,
7 including the LAPD or LA Sanitation.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

9 Defendant incorporates the General Objections as though fully set forth here.

10 Defendant objects that the Request seeks documents that are not relevant to
11 Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42,
12 "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around
13 January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood
14 and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
15 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
16 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
17 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
18 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
19 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
20 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
21 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
22 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
23 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
24 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
25 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
26 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
27 City's policies and practices are unconstitutional and not that each past application of
28 those policies and practices to its members was unconstitutional."). Defendant also

1 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
2 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
3 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
4 that the Request is overbroad and burdensome in seeking all police reports filed regarding
5 the seizure or destruction of homeless people's belongings dating back four years to April
6 1, 2016 that are unrelated, and not relevant, to Plaintiffs' specific claims alleged in the
7 SAC. Defendant also objects to the Request to the extent the Request seeks information
8 protected from disclosure by the attorney-client privilege and or attorney work product
9 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
10 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
11 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

12 Defendant further objects that the Request is burdensome and not proportional to
13 the needs of the case, insofar as the burden of searching for and producing any such
14 proposed discovery outweighs the benefit of such information for Plaintiffs' specific
15 claims and Defendant's costs or expense in conducting the search and producing
16 documents greatly exceeds the amount in controversy for Plaintiff's alleged damages.

17 Specifically, in order to search for and obtain documents responsive to the
18 Request, Defendant would need to identify search parameters to conduct a search within
19 LAPD's Automated Data System to identify Department Report (DR) numbers that may
20 relate to reports involving homeless individuals. Defendant located over 48,000 DR
21 numbers potentially relating to homeless individuals and over 3,300 DR numbers relating
22 to Release from Custody (RFC) citations for violation of LAMC 56.11. In order to
23 search for potentially responsive records, Defendant would need an analyst to create an
24 excel file extracting data from the query by DR number. Defendant would then need to
25 assign personnel to pull and review records by DR number to determine responsiveness
26 for over 48,000 DR files. Defendant would also need to pull and review RFCs for
27 violation of LAMC 56.11. To do so, Defendant would have to search over 102,000 RFCs
28 to locate the approximately 3,300 RFCs for violation for LAMC 56.11, and would also

1 need to locate and retrieve RFC files for storage to conduct the search for RFCs.
2 Defendant estimates that it would take approximately 1,950 hours for an administrative
3 clerk to locate, obtain and review over 100,000 RFCs and separate and copy over 3,300
4 RFCs for LAMC 56.11.

5 Defendant would also need to conduct a search within LAPD's CMS. LAPD
6 logged over 12,000 complaints within CMS over the four-period dating back to April
7 2016. Each complaint is logged into the system and maintained by a separate complaint-
8 file (CF) number and categorized using codes for allegation type, such as conduct
9 unbecoming, misconduct, or bias. CMS does not contain search field for allegation types
10 based on seizure or destruction of property. Defendant would have to assign an LAPD
11 analyst to conduct queries of search terms through digitized copies of over 12,000
12 complaints to locate potentially responsive documents to the Request. A complete and
13 closed complaint file contains approximately 100-250 pages, including forms for initial
14 intake, field reports, investigative reports, medical information, other legal
15 documentation, and other administrative reports or decisions. After running the search
16 query, an analyst would have to identify complaint files by CF number and manually
17 review each complaint file to determine responsiveness and the existence of confidential
18 information, including medical information, that may require redaction. The average
19 time required to collect, review, and redact a complaint file is approximately four hours.

20 Defendant would need to create search parameters to query Defendant's City
21 Attorney's Office Citylaw database to search government claims filed against the City
22 from April 1, 2016 to the present. A total of 26,775 government tort claims were filed
23 against the City during the period from April 1, 2016 to July 30, 2020. Defendant's
24 Citylaw database does not contain search fields to identify or segregate claims filed
25 relating to the seizure or destruction of homeless people's belongings and such claims
26 could be input into the database by different causes relating to civil rights, property,
27 miscellaneous, and input as claims against different departments, such as LASAN,
28 LAPD, or the City. Defendant would have to run multiple queries to identify potentially

1 responsive claims out of these 26,775 claims by claim number. Defendant would then
2 need to assign an administrative clerk to manually pull and review identified government
3 claims by claim number to determine responsiveness. In addition, Defendant objects that
4 there are likely government tort claims not stored within Citylaw, which would require a
5 further search of hard copy files of government claims stored offsite that would need to
6 be recalled from storage and manually searched for responsive documents.

7 In addition, after identifying all police reports, complaints, and grievances,
8 Defendant would have to investigate the identity of all potential custodians who may
9 have sent or received communications regarding the investigation or response to such
10 complaints, reports, or grievances. Defendant would then have to conduct search
11 parameters for all communications over a four-year period involving all identified
12 custodians from different City departments.

13 Defendant uses an email system known as CityMail that is based on an
14 implementation of Google Apps Premier Edition and is used by nearly every City entity,
15 including 40 different departments. Defendant's CityMail system uses the Google Vault
16 system for archiving emails. Google Vault is a cloud-based data storage system; rather
17 than being stored on locally managed servers, the archived email data is stored on remote
18 servers that are managed by Google, Inc. and are only accessible to Defendant's office
19 via the internet. In order to search the email archives, Defendant's ITA must formulate a
20 search query utilizing the search terms and restrictions provided by the requester.
21 Depending on the number and complexity of search terms, the number of email accounts
22 or document custodians, and the breadth of the search, ITA may need to formulate more
23 than one search query and scan the stored data multiple times. When the search
24 completes, Google Vault provides preliminary information regarding the email data
25 gathered by the search. In order to access the actual emails, however, the entire store of
26 data must first be exported from the cloud-servers to a different "download" server to
27 which ITA can connect via the internet and from which ITA can then download the data.
28 Depending on the size of the data, the download process may be the most time-

1 consuming part of gathering the email data. Even when ITA allocates multiple personnel
2 to conduct search queries in order to speed up the archived email search and collection
3 process, ITA is still limited by the speeds at which the data can be transferred from the
4 download server to Defendant's local data storage devices. As downloads of batches of
5 data become available, ITA begins the process of identifying the email addresses that
6 accompany the data against the list of individuals identified in the data request and
7 thereafter segregates the email stores of matching individuals. ITA would also identify
8 and screen emails of City Attorneys to begin the process of identifying and screening-out
9 the emails of city attorneys and may need to conduct subsequent queries to screen out
10 attorneys for purposes of compiling a list of excluded emails for a privilege log.

11 In addition, Defendant would need to determine whether a City department utilizes
12 systems-based network servers that may include network folders used to store or maintain
13 communications within a particular division or department section. In order to retrieve
14 systems-based server folders for review, Defendant would require a technology
15 professional who has administrator privileges to make a copy of the drive(s), which can
16 range in size by terabytes of data. In order to search certain folders on system-based
17 network drives, a technology professional who has administrator privileges, would use
18 the Microsoft Windows File Explorer search function, the limited search function
19 available by default on Windows. The limited search capabilities of the Windows File
20 Explorer search tool may not be able to accommodate full searches within documents or
21 Boolean searches. The resulting hits might include systems files, applications,
22 downloads, or media which may or may not be viewable. After Defendant has conducted
23 searches for electronically stored information, Defendant would require the use of an e-
24 discovery software and platform for Defendant's counsel to review, search, and tag
25 documents and electronically stored information for responsiveness or privilege.

26 Defendant objects that the Request seeks documents that are not reasonably
27 accessible based on the undue burden and costs associated with searching for and
28 producing documents responsive to this Request for the reasons described

1 above. Without waiving any, and based on these objections, Defendant produced the
2 government claims filed by individual Plaintiffs at CTY004316-4358 and the LAPD
3 complaints filed by individual Plaintiffs at CTY004511-4626, but objects to further
4 production of documents in response to this Request.

5 **REQUEST FOR PRODUCTION NO. 42:**

6 All DOCUMENTS that identify the location of any STORAGE FACILITY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

8 Defendant incorporates the General Objections as though fully set forth here.
9 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs’
10 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”).
11 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
12 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
13 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
14 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
15 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
16 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
17 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
18 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
19 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
20 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
21 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
22 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
23 KFA’s claims seeking any declaration that the City unconstitutionally applied LAMC
24 56.11 or the City’s policies or practices to KFA’s members. Dkt. No. 65 at 7 (“[T]he
25 Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the
26 City’s policies and practices are unconstitutional and not that each past application of
27 those policies and practices to its members was unconstitutional.”). Defendant also
28 objects that the proposed discovery is not relevant to establishing *Monell* liability for the

claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects that the Request is overbroad and burdensome in seeking all documents that identify any storage facility dating back to April 2016, three years before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all documents identifying the location of any storage facility dating back to April 2016 outweighs the benefit of such information for Plaintiff El Bey's specific claims. Defendant also objects that the proposed discovery is unreasonably cumulative and can be obtained through less burdensome and less expensive means to determine the location of storage facilities. Without waiving any, and based on these objections, Defendant produced documents at CTY004627- 4851 and CTY007476-7477 identifying the name, address and location of the City's storage facilities used for storage of homeless people's belongings in response to this Request.

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS that identify the CITY's capacity to store property seized pursuant to LAMC 56.11 or as part of an ENCAMPMENT CLEANUP, including but not limited to any documents that discuss the number of storage spaces/bins/containers available to store property, or the need for additional capacity.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'

1 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”).
2 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
3 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
4 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
5 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
6 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
7 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
8 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
9 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
10 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
11 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
12 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
13 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
14 KFA’s claims seeking any declaration that the City unconstitutionally applied LAMC
15 56.11 or the City’s policies or practices to KFA’s members. Dkt. No. 65 at 7 (“[T]he
16 Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the
17 City’s policies and practices are unconstitutional and not that each past application of
18 those policies and practices to its members was unconstitutional.”). Defendant also
19 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
20 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need
21 only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects
22 that the Request is overbroad and burdensome in seeking all documents that discuss the
23 City’s storage capacity or the need to obtain additional capacity dating back to April
24 2016, three years before Plaintiffs’ specific incidents occurred as alleged in the SAC.
25 Defendant also objects to the Request to the extent the Request seeks information
26 protected from disclosure by the attorney-client privilege and or attorney work product
27 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.

503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

Defendant further objects that the Request is burdensome and not proportional to the needs of the case, insofar as the burden of searching for and producing all documents identifying the City's storage capacity and the need to obtain additional storage capacity of any storage facility dating back to April 2016 outweighs the benefit of such information for Plaintiffs' specific claims and Defendant's costs or expense in conducting the search and producing documents greatly exceeds the amount in controversy for Plaintiffs' alleged damages.

In order to obtain all documents discussing the City's storage capacity or the need to obtain additional storage capacity, Defendant would have to investigate the identity of all potential custodians who may have sent or received communications regarding the City's storage capacity or the need to obtain additional storage capacity dating back to April 1, 2016. Defendant would then have to conduct search parameters for all communications over a four-year period involving all identified custodians from different City departments.

Defendant uses an email system known as CityMail that is based on an implementation of Google Apps Premier Edition and is used by nearly every City entity, including 40 different departments. Defendant's CityMail system uses the Google Vault system for archiving emails. Google Vault is a cloud-based data storage system; rather than being stored on locally managed servers, the archived email data is stored on remote servers that are managed by Google, Inc. and are only accessible to Defendant's office via the internet. In order to search the email archives, Defendant's ITA must formulate a search query utilizing the search terms and restrictions provided by the requester. Depending on the number and complexity of search terms, the number of email accounts or document custodians, and the breadth of the search, ITA may need to formulate more than one search query and scan the stored data multiple times. When the search completes, Google Vault provides preliminary information regarding the email data

1 gathered by the search. In order to access the actual emails, however, the entire store of
2 data must first be exported from the cloud-servers to a different “download” server to
3 which ITA can connect via the internet and from which we can then download the data.
4 Depending on the size of the data, the download process the most time-consuming part of
5 gathering the email data. Even when ITA allocates multiple personnel to conduct search
6 queries in order to speed up the archived email search and collection process, ITA is still
7 limited by the speeds at which the data can be transferred from the download server to
8 Defendant’s local data storage devices. As downloads of batches of data become
9 available, ITA begins the process of identifying the email addresses that accompany the
10 data against the list of individuals identified in the data request and thereafter segregates
11 the email stores of matching individuals. ITA would also identify and screen emails of
12 City Attorneys begin the process of identifying and screening-out the emails of city
13 attorneys and may need to conduct subsequent queries to screen out attorneys for
14 purposes of compiling a list of excluded emails for a privilege log.

15 In addition, Defendant would need to determine whether a City department utilizes
16 systems-based network servers that may include network folders used to store or maintain
17 communications within a particular division or department section. In order to retrieve
18 systems-based server folders for review, Defendant would require a technology
19 professional who has administrator privileges to make a copy of the drive(s), which can
20 range in size by terabytes of data. In order to search certain folders on system-based
21 network drives, a technology professional who has administrator privileges, would use
22 the Microsoft Windows File Explorer search function, the limited search function
23 available by default on Windows. The limited search capabilities of the Windows File
24 Explorer search tool may not be able to accommodate full searches within documents or
25 Boolean searches. The resulting hits might include systems files, applications,
26 downloads, or media which may or may not be viewable. After Defendant has conducted
27 searches for electronically stored information, Defendant would require the use of an e-
28

discovery software and platform for Defendant's counsel to review, search, and tag documents and electronically stored information for responsiveness or privilege.

Defendant objects that the Request seeks documents that are not reasonably accessible based on the undue burden and costs associated with searching for and producing all communications responsive to this Request for the reasons described above. Defendant also objects that the proposed discovery is unreasonably cumulative and can be obtained through less burdensome and less expensive means to determine the capacity of the City's storage facilities. Without waiving any, and based on these objections, Defendant produced documents at CTY004627- 4851 and CTY007476-7477 addressing the City's storage and capacity.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS that identify or discuss any change in the CITY's capacity to store property seized pursuant to LAMC 56.11 or as part of ENCAMPMENT CLEANUPS, including but not limited to any documents that discuss any increase/decrease in the number of STORAGE FACILITIES or change in capacity of existing STORAGE FACILITIES.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring

1 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
2 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
3 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
4 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
5 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
6 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
7 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
8 City's policies and practices are unconstitutional and not that each past application of
9 those policies and practices to its members was unconstitutional."). Defendant also
10 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
11 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
12 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
13 that the Request is overbroad and burdensome in seeking all documents that discuss the
14 City's storage capacity or changes to the storage capacity dating back to April 2016, three
15 years before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant also
16 objects to the Request to the extent the Request seeks information protected from
17 disclosure by the attorney-client privilege and or attorney work product
18 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
19 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
20 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

21 Defendant further objects that the Request is burdensome and not proportional to
22 the needs of the case, insofar as the burden of searching for and producing all documents
23 identifying the City's storage capacity and storage capacity or changes in the storage
24 capacity dating back to April 2016 outweighs the benefit of such information for
25 Plaintiffs' specific claims and Defendant's costs or expense in conducting the search and
26 producing documents greatly exceeds the amount in controversy for Plaintiff's alleged
27 damages.

1 In order to obtain all documents discussing the City's storage capacity storage
2 capacity or changes to the storage capacity, Defendant would have to investigate the
3 identity of all potential custodians who may have sent or received communications
4 regarding the City's storage capacity or changes to the storage capacity dating back to
5 April 1, 2016. Defendant would then have to conduct search parameters for all
6 communications over a four-year period involving all identified custodians from different
7 City departments.

8 Defendant uses an email system known as CityMail that is based on an
9 implementation of Google Apps Premier Edition and is used by nearly every City entity,
10 including 40 different departments. Defendant's CityMail system uses the Google Vault
11 system for archiving emails. Google Vault is a cloud-based data storage system; rather
12 than being stored on locally managed servers, the archived email data is stored on remote
13 servers that are managed by Google, Inc. and are only accessible to Defendant's office
14 via the internet. In order to search the email archives, Defendant's ITA must formulate a
15 search query utilizing the search terms and restrictions provided by the requester.
16 Depending on the number and complexity of search terms, the number of email accounts
17 or document custodians, and the breadth of the search, ITA may need to formulate more
18 than one search query and scan the stored data multiple times. When the search
19 completes, Google Vault provides preliminary information regarding the email data
20 gathered by the search. In order to access the actual emails, however, the entire store of
21 data must first be exported from the cloud-servers to a different "download" server to
22 which ITA can connect via the internet and from which we can then download the data.
23 Depending on the size of the data, the download process the most time-consuming part of
24 gathering the email data. Even when ITA allocates multiple personnel to conduct search
25 queries in order to speed up the archived email search and collection process, ITA is still
26 limited by the speeds at which the data can be transferred from the download server to
27 Defendant's local data storage devices. As downloads of batches of data become
28 available, ITA begins the process of identifying the email addresses that accompany the

1 data against the list of individuals identified in the data request and thereafter segregates
2 the email stores of matching individuals. ITA would also identify and screen emails of
3 City Attorneys begin the process of identifying and screening-out the emails of city
4 attorneys and may need to conduct subsequent queries to screen out attorneys for
5 purposes of compiling a list of excluded emails for a privilege log.

6 In addition, Defendant would need to determine whether a City department utilizes
7 systems-based network servers that may include network folders used to store or maintain
8 communications within a particular division or department section. In order to retrieve
9 systems-based server folders for review, Defendant would require a technology
10 professional who has administrator privileges to make a copy of the drive(s), which can
11 range in size by terabytes of data. In order to search certain folders on system-based
12 network drives, a technology professional who has administrator privileges, would use
13 the Microsoft Windows File Explorer search function, the limited search function
14 available by default on Windows. The limited search capabilities of the Windows File
15 Explorer search tool may not be able to accommodate full searches within documents or
16 Boolean searches. The resulting hits might include systems files, applications,
17 downloads, or media which may or may not be viewable. After Defendant has conducted
18 searches for electronically stored information, Defendant would require the use of an e-
19 discovery software and platform for Defendant's counsel to review, search, and tag
20 documents and electronically stored information for responsiveness or privilege.

21 Defendant objects that the Request seeks documents that are not reasonably
22 accessible based on the undue burden and costs associated with searching for and
23 producing all communications responsive to this Request for the reasons described above.
24 Defendant also objects that the proposed discovery is unreasonably cumulative and can
25 be obtained through less burdensome and less expensive means to determine changes to
26 the City's storage capacity. Without waiving any, and based on these objections,
27 Defendant produced documents at CTY004627- 4851 and CTY007476-7477 addressing
28 the City's storage and capacity.

REQUEST FOR PRODUCTION NO. 45:

All statistics, reports, analysis, or data compilations related to the use or capacity of STORAGE FACILITIES.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the Request seeks documents that are not relevant to Plaintiffs' specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC"). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA's claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional."). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects that the Request is overbroad and burdensome in seeking all statistics, reports, analysis,

1 or data compilations relate to the use of storage capacity dating back to April 2016, three
2 years before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant also
3 objects to the Request to the extent the Request seeks information protected from
4 disclosure by the attorney-client privilege and or attorney work product
5 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
6 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
7 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

8 Defendant further objects that the Request is burdensome and not proportional to
9 the needs of the case, insofar as the burden of searching for and producing all statistics,
10 reports, analysis, or data compilations relate to the use of storage capacity dating back to
11 April 2016 outweighs the benefit of such information for Plaintiffs' specific claims.
12 Defendant also objects that the proposed discovery is unreasonably cumulative and can
13 be obtained through less burdensome and less expensive means to determine the use or
14 capacity of storage facilities. Without waiving any, and based on these objections,
15 Defendant produced summaries of total amounts of property removed, stored, recovered
16 or discarded for 2019 and 2020 at CTY004627- 4851 and is willing to conduct additional
17 meet-and-confer with Plaintiffs regarding their request for underlying storage data.

18 **REQUEST FOR PRODUCTION NO. 46:**

19 All DOCUMENTS that show how much property has been stored at STORAGE
20 FACILITIES.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

22 Defendant incorporates the General Objections as though fully set forth here.
23 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
24 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
25 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
26 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
27 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
28 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at

1 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
2 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
3 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
4 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
5 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
6 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
7 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
8 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
9 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
10 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
11 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
12 City's policies and practices are unconstitutional and not that each past application of
13 those policies and practices to its members was unconstitutional."). Defendant also
14 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
15 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
16 only raise a single incident ... to hold the City liable under *Monell*"). Defendant objects
17 that the Request is overbroad and burdensome in seeking all documents that show how
18 much property has been stored at storage facilities dating back to April 2016, three years
19 before Plaintiffs' specific incidents occurred as alleged in the SAC. Defendant also
20 objects to the Request to the extent the Request seeks information protected from
21 disclosure by the attorney-client privilege and or attorney work product
22 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
23 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
24 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

25 Defendant further objects that the Request is burdensome and not proportional to
26 the needs of the case, insofar as the burden of searching for and producing all documents
27 that show how much property has been stored at storage facilities dating back to April
28 2016 outweighs the benefit of such information for Plaintiffs' specific claims. Defendant

1 objects that the Request seeks documents that are not reasonably accessible based on the
2 undue burden and costs associated with searching for and producing all documents
3 relating to storage records for 41,734 encampment cleanups conducted since April 1,
4 2016. Defendant also objects that the proposed discovery is unreasonably cumulative
5 and can be obtained through less burdensome and less expensive means to determine the
6 use or capacity of storage facilities. Without waiving any, and based on these objections,
7 Defendant produced summaries of total amounts of property removed, stored, recovered
8 or discarded for 2019 and 2020 at CTY004627- 4851 and is willing to conduct additional
9 meet-and-confer with Plaintiffs regarding their request for underlying storage data.

10 **REQUEST FOR PRODUCTION NO. 47:**

11 All DOCUMENTS that track or document when, where, what, and/or how much
12 property is taken or seized by the CITY pursuant to LAMC 56.11.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs'
16 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC").
17 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
18 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
19 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
20 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
21 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
22 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
23 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
24 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
25 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
26 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
27 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
28 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff

1 KFA's claims seeking any declaration that the City unconstitutionally applied LAMC
2 56.11 or the City's policies or practices to KFA's members. Dkt. No. 65 at 7 ("[T]he
3 Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the
4 City's policies and practices are unconstitutional and not that each past application of
5 those policies and practices to its members was unconstitutional."). Defendant also
6 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
7 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs' argument that "it need
8 only raise a single incident ... to hold the City liable under *Monell*."). Defendant objects
9 that the Request is overbroad and burdensome in seeking all documents that show how
10 much property was seized as part of encampment cleanups conducted since April 1 2016.
11 Defendant also objects to the Request to the extent the Request seeks information
12 protected from disclosure by the attorney-client privilege and or attorney work product
13 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
14 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
15 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

16 Defendant further objects that the Request is burdensome and not proportional to
17 the needs of the case, insofar as the burden of searching for and producing all documents
18 that show all details for how much property was seized for all encampment cleanups
19 conducted since April 1, 2016 outweighs the benefit of such information for Plaintiffs'
20 specific claims. Defendant objects that the Request seeks documents that are not
21 reasonably accessible based on the undue burden and costs associated with searching for
22 and producing all documents relating to storage records for 41,734 encampment cleanups
23 conducted since April 1, 2016. Defendant also objects that the proposed discovery is
24 unreasonably cumulative and can be obtained through less burdensome and less
25 expensive means to determine the use or capacity of storage facilities. Without waiving
26 any, and based on these objections, Defendant produced summaries of total amounts of
27 property removed, stored, recovered or discarded for 2019 and 2020 at CTY004627-

1 4851 and is willing to conduct additional meet-and-confer with Plaintiffs regarding their
2 request for underlying storage data.

3 **REQUEST FOR PRODUCTION NO. 48:**

4 All DOCUMENTS that track or document when, where, what, and/or how much
5 property that is taken or seized pursuant to LAMC 56.11 is stored.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

7 Defendant incorporates the General Objections as though fully set forth here.
8 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs’
9 specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”).
10 Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10,
11 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and
12 Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around
13 January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at
14 Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and
15 Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on
16 or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at
17 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring
18 sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd
19 Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019
20 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident
21 occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff
22 KFA’s claims seeking any declaration that the City unconstitutionally applied LAMC
23 56.11 or the City’s policies or practices to KFA’s members. Dkt. No. 65 at 7 (“[T]he
24 Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the
25 City’s policies and practices are unconstitutional and not that each past application of
26 those policies and practices to its members was unconstitutional.”). Defendant also
27 objects that the proposed discovery is not relevant to establishing *Monell* liability for the
28 claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need

1 only raise a single incident ... to hold the City liable under *Monell.*”). Defendant objects
2 that the Request is overbroad and burdensome in seeking all documents that show how
3 much property was stored as part of encampment cleanups conducted since April 1, 2016.
4 Defendant also objects to the Request to the extent the Request seeks information
5 protected from disclosure by the attorney-client privilege and or attorney work product
6 doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D.
7 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181
8 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

9 Defendant further objects that the Request is burdensome and not proportional to
10 the needs of the case, insofar as the burden of searching for and producing all documents
11 that show all details for how much property was stored for all encampment cleanups
12 conducted since April 1, 2016 outweighs the benefit of such information for Plaintiff El
13 Bey’s specific claims. Defendant objects that the Request seeks documents that are not
14 reasonably accessible based on the undue burden and costs associated with searching for
15 and producing all documents relating to storage records for 41,734 encampment cleanups
16 conducted since April 1, 2016. Defendant also objects that the proposed discovery is
17 unreasonably cumulative and can be obtained through less burdensome and less
18 expensive means to determine the use or capacity of storage facilities. Without waiving
19 any, and based on these objections, Defendant produced summaries of total amounts of
20 property removed, stored, recovered or discarded for 2019 and 2020 at CTY004627-
21 4851 and is willing to conduct additional meet-and-confer with Plaintiffs regarding their
22 request for underlying storage data.

23 **REQUEST FOR PRODUCTION NO. 49:**

24 All DOCUMENTS that track or document when, where, what, how much, and by
25 whom property that is stored in STORAGE FACILITIES has been retrieved or destroyed.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

27 Defendant incorporates the General Objections as though fully set forth here.
28 Defendant objects that the Request seeks documents that are not relevant to Plaintiffs’

specific claims alleged in the Second Amended Complaint (Dkt. No. 42, “SAC”). Plaintiff El-Bey alleges claims for specific incidents occurring on or around January 10, 2019 at 6th Street and Alexandria and on or around June 4, 2019 at Oakwood and Western; Plaintiff Garcia alleges claims for specific incidents occurring on or around January 29, 2019 at Aetna Street and Tyrone Avenue, on or around April 29, 2019 at Aetna Street and Van Nuys Boulevard, and on or around August 14, 2019 at Calvert and Bessemer; Plaintiffs Zamora and Zepeda allege claims for specific incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard; Plaintiff Haugabrook alleges claims for incidents occurring sometime in March 2019 and a month later by Figueroa Street and 53rd Street and 52nd Place; Plaintiff Diocson alleges claims for a specific incident on or around April 24, 2019 at Lomita and McCoy; and Plaintiff Ashley alleges claims for a specific incident occurring on or around May 21, 2019 at Lomita and McCoy. The Court struck Plaintiff KFA’s claims seeking any declaration that the City unconstitutionally applied LAMC 56.11 or the City’s policies or practices to KFA’s members. Dkt. No. 65 at 7 (“[T]he Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the City’s policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional.”). Defendant also objects that the proposed discovery is not relevant to establishing *Monell* liability for the claims alleged in the SAC. Dkt. No. 65 at 7 (accepting plaintiffs’ argument that “it need only raise a single incident ... to hold the City liable under *Monell*.”). Defendant objects that the Request is overbroad and burdensome in seeking all documents that show how much stored property was recovered as part of encampment cleanups conducted since April 1, 2016. Defendant also objects to the Request to the extent the Request seeks information protected from disclosure by the attorney-client privilege and or attorney work product doctrines. F.R.Civ.P. Rule 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

1 Defendant further objects that the Request is burdensome and not proportional to
2 the needs of the case, insofar as the burden of searching for and producing all documents
3 that show all details for how much property was stored for all encampment cleanups
4 conducted since April 1, 2016 outweighs the benefit of such information for Plaintiffs'
5 specific claims. Defendant objects that the Request seeks documents that are not
6 reasonably accessible based on the undue burden and costs associated with searching for
7 and producing all documents relating to storage records for 41,734 encampment cleanups
8 conducted since April 1, 2016. Defendant also objects that the proposed discovery is
9 unreasonably cumulative and can be obtained through less burdensome and less
10 expensive means to determine the amount of recovered property. Without waiving any,
11 and based on these objections, Defendant produced summaries of total amounts of
12 property removed, stored, recovered or discarded for 2019 and 2020 at CTY004627-
13 4851 and is willing to conduct additional meet-and-confer with Plaintiffs regarding their
14 request for underlying storage data.

15 Dated: October 9, 2020

16 MICHAEL N. FEUER, CITY ATTORNEY
17 KATHLEEN KENEALY, CH. ASST. CITY ATTORNEY
18 SCOTT MARCUS, CH. CIVIL LITIGATION BRANCH
19 GABRIEL DERMER, ASST. CITY ATTORNEY
20 FELIX LEBRON, **DEPUTY CITY ATTORNEY**
21 A. PATRICIA URSEA, DEPUTY CITY ATTORNEY

22 By: /s/ Felix Lebron

23 FELIX LEBRON
24 Deputy City Attorney
25 Attorneys for Defendant
26 CITY OF LOS ANGELES
27
28

PROOF OF SERVICE

I, Felix Lebron, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 200 North Main Street, Room 675, Los Angeles, CA 90012.

On October 9, 2020, I served a copy of the following document(s) described as:

DEFENDANT CITY OF LOS ANGELES' AMENDED RESPONSES AND OBJECTION TO PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS – SET ONE on the interested parties in this action as follows:

☒ **BY E-MAIL**

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the email transmission is returned as undeliverable.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2020, at Los Angeles, California.

/s/ Felix Lebron

Felix Lebron

SERVICE LIST

Shayla R. Myers
Romy C. Ganschow
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EXHIBIT D

City Hall East
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Room 675
Los Angeles, CA 90012



(213) 978-7569 Tel
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patricia.ursea@lacity.org

MICHAEL N. FEUER
City Attorney

October 23, 2019

Shayla R. Myers
Legal Aid Foundation of Los Angeles
7000 S. Broadway
Los Angeles, CA 90003
SMyers@lafla.org

VIA EMAIL

Re: *Garcia v. City of Los Angeles*, Case No. 2:19-cv-06182

Counsel,

We write in response to your letter, dated October 16, 2019, seeking the City's stipulation to extensive early discovery from the City, including 49 requests for production covering an expansive list of documents, dating back to April 9, 2016 or even earlier; interrogatories on a broad range of topics; and subpoenas to two third-parties.

Early discovery before pleadings are settled is not standard practice, and is only permitted under limited circumstances where a party can show good cause for deviation from Rule 26(d) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. Proc. 26(d) (providing that "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)" unless by stipulation or court order); *see also In re Countrywide Fin. Corp. Derivative Litig.*, 542 F. Supp. 2d 1160, 1179 (C.D. Cal. 2008) (denying plaintiffs' motion for expedited discovery, and noting "formal discovery is generally allowed only after 'the parties have conferred as required by [Federal Rule of Civil Procedure] 26(f).'"). Plaintiff must make some *prima facie* showing of the *need* for the expedited discovery." (citation omitted). Good cause can be established only "where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party." *In re Countrywide Fin. Corp. Derivative Litig.*, 542 F. Supp. 2d at 1179.

Shayla R. Myers
Legal Aid Foundation of Los Angeles
Page 2

Your letter fails to explain why Plaintiffs have a “need for expedited discovery, in consideration of the administration of justice, [which] outweighs the prejudice to the responding party.” *In re Countrywide Fin. Corp. Derivative Litig.*, 542 F. Supp. 2d at 1179. The fact that “issues raised in this litigation are of critical importance” does not explain why discovery can’t wait until after the Rule 26 conference. *See Hall v. Mims*, 2012 U.S. Dist. LEXIS 59452, at *9 (E.D. Cal. Apr. 27, 2012) (denying plaintiffs’ request for expedited discovery because “[w]hile Plaintiffs’ discovery requests may be relevant to prove their claims, Plaintiffs have not demonstrated the requested information is needed on an expedited basis.”). Nor does “desire to move the case forward” constitute a “need” for expedited discovery necessary to a showing of good cause. *See id.* at 10.

The sole case you cite to support your contention that good cause exists for expedited discovery, *Semitool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002), is readily distinguishable from the facts and procedural posture of our case. In *Semitool*, the plaintiff sued for patent infringement and then moved to expedite discovery by just three weeks as to limited issues to allow it to determine whether the defendant’s device infringed more patents than the one identified in the complaint, and the defendant conceded that the requested information was relevant and would be turned over during the normal course of discovery. *Id.* at 276-277. On those facts, the court agreed with the plaintiff that early discovery would expedite litigation and conserve party and court resources since it would expedite possible amendments relating to the additional patents, facilitate a more complete and informed Case Management Conference, and allow the plaintiff to comply with disclosure obligations in that district court’s local patent rules. *Id.*

Our case – in which no date has been set for the Scheduling Conference and there are pending motions to dismiss parties for lack of standing pursuant to Rule 12(b)(1) and to dismiss five out of the seven asserted claims pursuant to Rule 12(b)(6) – is more akin to cases that have distinguished *Semitool* and denied expedited discovery requests. *See Extreme Reach, Inc. v. PriorityWorkforce, Inc.*, 2017 U.S. Dist. LEXIS 224041, at *10-11 (C.D. Cal. Oct. 18, 2017) (denying plaintiff’s request for expedited discovery where, among other things, “it places a substantial burden on Defendants to respond to sweeping discovery so early in the case”; *Hall v. Mims*, 2012 U.S. Dist. LEXIS 59452, at *8-10 (E.D. Cal. Apr. 27, 2012) (denying plaintiffs’ request for expedited discovery because “[w]hile Plaintiffs’ discovery requests may be relevant to prove their claims, Plaintiffs have not demonstrated the requested information is needed on an expedited basis.”); *Zavala v. Kruse-Western, Inc.*, 2019 U.S. Dist. LEXIS 119230, at *6 (E.D. Cal. Jul. 17, 2019) (holding plaintiff failed to show good cause to conduct Rule 26(f) conference, and thereby pursue discovery, because doing so prior to court’s ruling on defendant’s motion to dismiss was premature).

Unlike *Semitool*, where the facts and procedural posture of that case meant that limited expedited discovery would conserve resources, here, the broad-ranging expedited discovery proposed by Plaintiffs would likely result in wasted resources before the pleadings are settled. Contrary to your contention, the outcome of the motions to dismiss could certainly obviate the need for some of your proposed discovery. In particular, if the City’s motions to dismiss are

Shayla R. Myers
Legal Aid Foundation of Los Angeles
Page 3

granted in their entirety, the associational defendants will no longer be parties to this action, Haugabrook's claims will be dismissed, and the first, third, fourth, sixth, and seventh causes of action asserted in the Supplemental Complaint will no longer be at issue. Stated another way, if the City is successful on its motions to dismiss, only two of Plaintiffs' causes of action would remain. It would undoubtedly be a waste of the parties' resources to engage in wide-ranging discovery that goes to the merits of all seven claims until the pleadings are settled, and we know which plaintiffs and which causes of action remain. There is therefore no good cause to hold the Rule 26(f) conference before the Court rules on the City's pending motions, nor to commence the expansive discovery you contemplate.

Even if you limit the discovery requests, as you suggest, "to only those related to the claims that the City is not moving to dismiss," the City is not required to produce discovery that is not proportional to the needs of the case, and much of Plaintiffs' proposed discovery is overly burdensome in light of its limited probative value. *See* Fed. R. Civ. Proc. 26 ("Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense ***and proportional to the needs of the case...***") (emphasis added). In particular, many of the proposed 49 requests for production cover exceptionally broad categories of documents going back four years (and more in some cases), which would be burdensome for the City to collect, review, and produce, and would have little (if any) probative value to claims regarding specific incidents on dates certain alleged in the complaint. For example, it is clear even at this early stage that a request seeking "[a]ll data contained within the database used to generate the Health Hazard Assessment Reports by LA Sanitation" dating back to April 9, 2016 is overly burdensome and not proportional to the needs of the case, both because neither the timeframe nor geographic scope are limited to the incidents alleged in the complaint. More fundamentally, it is premature at this early stage to even analyze what would and would not be proportional to the needs of the case, given that the pleadings are not settled and the scope of the parties and issues is not yet determined.

In light of the principles and considerations outlined above, we maintain that it is premature to conduct a Rule 26(f) conference before the pleadings are settled, and we do not believe that Plaintiffs can satisfy their burden to establish good cause for the expedited discovery you requested. Although the City is therefore not willing to stipulate to the expedited discovery you requested, in the spirit of cooperation, we are willing to now provide you with documents relating to all 2019 incidents alleged in the Supplemental Complaint, which are directly relevant to Plaintiffs' as-applied challenge to the ordinance that all parties agree will be at issue in this case, regardless of the outcome of the motions to dismiss. We will provide you with those documents as soon as possible, but in no event later than two weeks from today's date.

Sincerely,

A. Patricia Ursea

A. Patricia Ursea
Deputy City Attorney

APU:ip

EXHIBIT E

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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Los Angeles, CA 90071
United States

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November 26, 2019

A. Patricia Ursea
Deputy City Attorney
City of Los Angeles
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012

Re: *Garcia, et al. v. City of Los Angeles*

Dear Patricia:

I write with regard to the City's November 6, 2019 production of documents relating to the specific incidents that are the subject of Plaintiffs' as-applied claims. In your October 23, 2019 letter, you stated that the City would provide "documents directly relating to all 2019 incidents alleged in the Supplemental Complaint." You confirmed that the City would produce these documents during our in-person meeting on October 28, 2019 within the coming weeks.

As set forth below, based on our review to date, the City's production of documents specific to the alleged incidents in the Supplemental Complaint is deficient and incomplete. We ask that you please get back to us next week regarding the below and that you please produce any documents within two weeks, or by Tuesday, December 10. Should you wish to discuss the below, we are available next Tuesday, December 3 or next Thursday, December 5 for a meet and confer.

First, the City did not produce the following documents relating to the specific incidents that we understand are in the City's possession, custody, and control: (1) Los Angeles Police Department documents, such as daily activity reports, call sheets, field investigation car footage, body camera footage; (2) chain of custody forms for property storage; (3) Los Angeles Department of Sanitation photographs, including 16 photographs from Case No. 56504, 1 photograph from Case No. 56974, 58 photographs from Case No. 51275, and 1 photograph from Case No. 60404; (4) schedules related to the cleanups; (5) email communications related to the cleanups; and (6) any complaints related to the cleanups. Please produce these documents by December 10 or please explain why you are unable to do so.

Second, the City did not produce any documents relating to James Haugabrook, even though you agreed to produce documents for all the plaintiffs. We have provided sufficient information in the Supplemental Complaint for the City to be able to produce documents related

KIRKLAND & ELLIS LLP

A. Patricia Ursea
November 26, 2019
Page 2

to the alleged incidents for Mr. Haugabrook. Please produce documents relating to Mr. Haugabrook by December 10.

Third, the following documents are not legible: CTY000053; CTY000106; CTY000108; CTY000364; CTY000366; CTY000418; CTY000420; CTY000467; CTY000469; CTY000579; and CTY000582. Please produce legible versions of these documents by December 10 or please explain why you are unable to do so.

Fourth, it appears that the City produced numerous spreadsheets in PDF format, including CTY000013; CTY000049; CTY000335; CTY000367; CTY000421; CTY000445; CTY000577; CTY001117; CTY001279; and CTY001971. Please produce the native versions of these spreadsheets by December 10 or please explain why you are unable to do so.

Finally, Plaintiffs need additional documentation to identify five DOE defendants. While the current production has allowed us to identify two of the DOE defendants (DOES 6 and 7), we have not seen information in the current production relating to the identities of the five other DOE defendants relating to Plaintiff El-Bey's claims—two L.A.P.D. officers (DOES 1 and 2) and three L.A. Sanitation officers (DOES 3-5). As you know, Judge Fischer's standing order contemplates early discovery with respect to DOE defendants. Likewise, courts routinely order early discovery so that Plaintiffs can ascertain the identities of DOE defendants. *See, e.g., 808 Holdings LLC v. Collective of Jan 3, 2012 Sharing Has*, No. C 12-2251-CAS(EX), 2012 WL 13012725, at *5 (C.D. Cal. Oct. 1, 2012); *10 Grp. Inc. v. Does 1-19*, 2010, No. C 10 03851 SI, WL 11583153, at *1 (N.D. Cal. Sept. 23, 2010). And the City is in the better place to provide information to identify them. *See Cooley v. City of Los Angeles*, No. 2:18 c -09053 CAS PLAx, 2019 WL 1936437, at *5 (C.D. Cal. May 1, 2019). We are hopeful that we can work together to determine the identities of the remaining DOE defendants. Please help us understand who the remaining DOE defendants are based on the current production or, if not possible, please produce documents with information that will allow us to identify the remaining DOE defendants by December 10.

* * * *

Should you have any questions about the foregoing, please do not hesitate to contact me.

Very truly yours,

/s/ Michael Onufer

Michael A. Onufer

EXHIBIT F



**MICHAEL N. FEUER
CITY ATTORNEY**

December 10, 2019

VIA EMAIL

Michael Onufer, Esq.
Kirkland & Ellis LLP
333 S. Hope St.
Los Angeles, CA 90071
michael.onufer@kirkland.com

Re: *Garcia et al. v. City of Los Angeles*, No. 2:19-cv-06182-DSF-PLA: City's Meet-and-Confer Letter.

Dear Mr. Onufer,

This letter responds to your November 26, 2019 letter in which Kirkland & Ellis (K&E) purports to meet and confer on behalf of parties that K&E does not represent. K&E represents Ktown for All (KFA) – not the individual named plaintiffs – based on the docket in this action. If that has changed, please let us know and file the appropriate notices. If not, we ask that you please refrain from sending letters on behalf of clients that you and your firm do not represent.

The City agreed to an early production of documents relating to the individual plaintiffs' specific as-applied claims alleged in the operative complaint (Dkt. No. 20). KFA does not have an as-applied claim relating to specific alleged incidents. The City's Motion to Dismiss KFA addressed these issues. The City and KFA can discuss the scope of KFA-related discovery, if any, after the Court determines KFA's standing to pursue any claims in this action on behalf of itself or its members.

As a courtesy to the plaintiffs' counsel representing the individual plaintiffs, the City responds to the substance of your November 26 letter below.

December 10, 2019

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City's Meet-and-Confer Letter

City's Additional Documents:

The November 26 letter discusses purported “deficiencies” in the City’s November 6, 2019 production of documents. To be clear, there can be no “deficiencies” in an early and voluntary production of documents. That said, and as part of the City’s continuing good-faith efforts to respond to the demands for early discovery, the City is producing additional documents.

Specifically, the City is concurrently producing documents bates labeled CTY002213-2677. The production includes requested photographs and LAPD documents. The documents identified in the November 26 letter as “spreadsheets” are printouts of screenshots from an information system for which there is no native file format, such as excel. The City produced these documents as maintained in the files in the normal course and as used if needed in litigation or discovery.

The City is separately reproducing the documents identified as “not legible” in the November 26 letter (CTY- 53, 106, 108, 364, 366, 418, 420, 467, 469, 579, and 582). These documents are copies of carbon copies and the underlying carbon copies are not particularly legible themselves, but we have done our best to improve the visibility of the writings.

The City notes the following regarding the missing photographs identified in the November 26 letter:

- **Case No. 56504** – this file contains a total of 39 photographs. The City’s November 6 production inadvertently included only 25 photographs at CTY000054-78. There should be 14 – not 16 – missing photographs. In any event, the City produced all 39 photographs in Case No. 56504 at CTY002213-2251.
- **Case No. 56974** – this file contains a total of 11 pictures all of which were previously produced at CTY000424-434.
- **Case No. 51275** – the report in Case No. 51275 stated there are “one hundred twenty-five (67) photographs taken documenting the cleanup operations...” (*see*

December 10, 2019

Page | 3

City's Meet-and-Confer Letter

CTY000462) The reference to 125 is a typo and the correct number is 67 photographs all of which were produced at CTY000470-536.

- **Case No. 60604** – the missing photograph is a duplicate of one of the pictures that was produced. We have produced all 118 pictures, including the omitted duplicate, at CTY002252-2369.

The City will address the request for production of LAPD body worn video (BWV) that may exist regarding any of the specific alleged incidents at the appropriate time following entry of a protective order.

El-Bey Incidents:

The City's document production contains additional information regarding individuals involved in El-Bey's alleged incidents on January 10, 2019 and June 4, 2019. The unidentified personnel discussed in the November 26 letter may include the following:

- **January 10, 2019:** LAPD - Kevin Q. Chung and Marc J. Mahlnecht; LASAN - Abraham Abrahamian and Michael Tran.
- **June 4, 2019:** LAPD - Kevin W. Cottle and Won Yong Kim; LASAN - Abraham Abrahamian and Bernard Dancel.

Haugabrook Incident:

The City's November 6 production does not contain any Haugabrook-related documents because the City does not have any records relating to Haugabrook's alleged incident in "March 2019" for a rapid response at or around "Figueroa St., between 53rd St. and 52nd Place" as alleged in paragraphs 191-196 of the Complaint. The incident either did not occur or, if it did, the incident occurred at a different location, on a different date, or both.

The City is assessing this absence of evidence and what appears to be a failure to investigate the basis of Haugabrook's claims before filing suit. The City anticipates making another early production of documents that includes the reports for all cleanups conducted in South LA in March 2019 for the purpose of expediting Haugabrook's dismissal. The City will revisit this issue after it has produced these documents and Haugabrook and his counsel have had an opportunity to review them. In the interim, please let us know if Haugabrook has any new information regarding his claim.

December 10, 2019

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City's Meet-and-Confer Letter

I'll be out of the office and unavailable for several weeks starting December 16. Please copy the City's other attorneys on any follow-up correspondence regarding the City's latest document production.

Sincerely,

/s/ Felix Lebron

Felix Lebron

Deputy City Attorney

cc: Shayla R. Myers, Esq. (smyers@lafla.org)
Catherine E. Sweetser, Esq. (csweetser@sshhlaw.com)

EXHIBIT G

Subject: Re: Garcia v. City of Los Angeles,
Date: Monday, December 23, 2019 at 9:43:38 AM Pacific Standard Time
From: Patricia Ursea
To: Shayla R. Myers
CC: Felix Lebron, Gabriel Dermer, Benjamin Herbert, Catherine Sweetser, Onufer, Michael
Attachments: image001.jpg, image002.png, image003.png, image004.png, image005.png, image006.png

Counsel:

We continue to disagree a scheduling order is due. We agree to produce documents related to the City's policies, practices and procedures as requested by Plaintiffs in RFP #2, and we will make a supplemental production by January 10, 2020. Of course, we continue to reserve all rights and objections on this and all discovery requests.

We appreciate your courtesy in giving us until at least Jan. 10 to respond to any discovery stipulation you may serve.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Dec 20, 2019 at 5:33 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

City's latest position, that the Rule 26 conference is premature because there is no scheduling order in place, is inconsistent with the plain language of Rule 26(f), which requires the parties meet no later than 21 days before the scheduling order is due. See Fed. Rule Civ. Pro. 26(f). The reason for this is clear--the purpose of the Rule 26(f) conference and subsequent report to the Court is to inform the Court of issues relevant to the scheduling order.

As such, it is clear that we are at an impasse, and we intend to move to compel the City to respond to the discovery outlined in our email this morning, or in the alternative, to participate in the Rule 26 conference.

Given the holidays, we are willing to accommodate the City's request for two additional weeks to respond to the joint stipulation, provided the City agrees to produce all documents response to RFP 2, and to do so by no later than January 10, 2020. Assuming you are in agreement, we will remove RFP #2 and amend the declaration to reflect the parties' ability to narrow the issues before the court. We will serve the revised Joint Stipulation on Monday morning.

Once we provide you with the Joint Stipulation, pursuant to Local Rule 37-2.2, you will have until January 10, 2020

to provide your portion of the Joint Stipulation, along with any additional declarations and exhibits in support of your position. Once you provide us with your portion of the Joint Stipulation, we will add the Defendants' portion and we will provide the complete document to you. You will then be required to sign the document or consent to the use of an electronic signature and return the document to us by the end of the next business day. We will then file the document, along with the Notice of Motion.

While we hope this goes without saying, our willingness to provide the City an additional two weeks to accommodate the holidays is in no way a concession that the issues in this litigation are not of critical importance or that an urgent response is not warranted, and of course, we expect that counsel for the City will not argue that it does.

Please confirm that you are in agreement with regards to RFP 2.

Thanks,

Shayla

From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 20, 2019 2:22 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Benjamin Herbert <benjamin.herbert@kirkland.com>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Onufer, Michael <michael.onufer@kirkland.com>

Subject: Re: Garcia v. City of Los Angeles,

Counsel:

The documents we had in mind for producing in early discovery fall into the category set forth in Plaintiffs' proposed RFP #2: "All policies, procedures, directives, manuals, and special orders

related to LAMC 56.11 and ENCAMPMENT CLEANUPS, including but not limited to the seizure, storage or destruction of people's belongings pursuant to LAMC 56.11." To be clear, our offer to produce documents in this category is neither a concession that we believe such documents are relevant nor a waiver of any other potential objections, including scope and proportionality. Also, we disagree with your insinuation that there has been any "delay" by the City in this case given that the case is not at issue and there is no scheduling order in place.

In light of your representation that Plaintiffs intend to proceed with a motion to compel unless the City agrees either to (1) produce all the requested documents and allow discovery to be served on third parties or (2) engage in an early (and we believe premature) Rule 26(f) conference, it appears we have reached an impasse. As we have explained, we cannot see how the parties could have a fruitful discussion about proportionality when the parties do not know what claims, defenses, or even plaintiffs will be in the case. Proportionality requires a weighing of need versus burden; we do not understand how those factors can be weighed in the abstract. For example, it remains unclear to us why Plaintiffs believe they need "all communications" (apparently from anyone to anyone at any time since March 2016), property logs, chain of custody forms, and similar documents "related to the storage of personal property taken, seized, or otherwise obtained by the City," when Plaintiffs' theory of the case appears to be that the City fails to store property. At minimum, in any conversation about the proportionality of such requests, it would be valuable to know whether the case is about Plaintiffs' individual claims or something more. As all the individual claims appear to arise from destruction of property, not improper storage, it is hard for us to imagine how property logs and other documents concerning the storage of property "obtained" from persons/sources other than Plaintiffs could be relevant to Plaintiffs' claims. These points apply equally to the storage-related documents Plaintiffs seek from third parties. To be clear, our position is simply that the relevance of any storage-related documents (and other non-Plaintiff-specific documents Plaintiffs propose to discover), and the needs/burdens associated with discovering/producing such documents, should be assessed after the pleadings are settled.

To the extent Plaintiffs still intend to pursue motion practice on these issues, we would ask that the City's response be due no earlier than January 10, 2020. As you know, Felix is out of the office until mid-January. I will be traveling over the holidays and will be out of the office starting Monday 12/23, returning Monday 1/6. We appreciate your courtesy in offering to work with the City on the timing of Plaintiffs' anticipated motion in light of the holidays.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles

Business & Complex Litigation

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Patricia.Ursea@lacity.org

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On Fri, Dec 20, 2019 at 8:07 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Patricia,

Thank you for your response, and we are glad you are now willing to produce additional documents beyond just those documents related to the individual incidents. We are unclear from your email which documents you intend to produce, since you do not reference the requests for production we sent to the City in October, which seek specific documents related to the City's customs, patterns, and practices, and you were unwilling to discuss these requests or the production of additional responsive documents at our October 28, 2019 meeting.

In the interest of clarity, attached are the subset of the RFPs for which we intend to seek a court order, as well as the substance of the subpoena for records from Chrysalis. The documents go to the City's liability under *Monell*, and are a significant compromise relative to Plaintiffs' outstanding requests we provided you in October. The same is true for the records we are seeking from Chrysalis. If you will provide us with all documents responsive to these requests within 30 days, and allow us to subpoena Chrysalis's records, we would be more than happy to forego the motion to compel and preserve both the Court's and the parties' resources.

If the City does not agree to produce the documents or objects to the scope, the easiest and most straightforward way to address this is to simply agree to a date certain, before January 17, 2019, to conduct the Rule 26 conference. Then we can discuss these issues and the scope of the requests in detail.

Please let us know if you'll agree to produce documents responsive to the request and allow us to serve the third party subpoena, or if you will schedule the Rule 26(f) conference. If the City is unwilling to agree to either of these compromises, we believe it is appropriate to seek court intervention, to ensure that the litigation proceeds without further delay. We will provide you with the Joint Stipulation as discussed in our earlier email. We are, of course, willing to discuss the timing of the City's response, in light of the holidays.

Thanks, and we look forward to hearing from you this morning about how you want to proceed.

Shayla

From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 19, 2019 3:39 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Benjamin Herbert

<benjamin.herbert@kirkland.com>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Onufer, Michael
<michael.onufer@kirkland.com>

Subject: Re: Garcia v. City of Los Angeles,

Counsel:

We share your strong preference to avoid motion practice on these issues. We continue to believe a Rule 26(f) conference is premature because the Court has not yet ruled on the City's motions to dismiss, and therefore, the claims and defenses (and plaintiffs) remain unsettled. For similar reasons, we believe the relevance and scope of any third-party discovery in this case cannot be meaningfully assessed before the case is at issue.

Also for these reasons, it remains unclear to what extent documents about the City's customs, policies and procedures--beyond the ordinance and related protocols, which you already have--may be relevant to this case. However, in the continued spirit of cooperation, we agree to produce such documents in early discovery. Given the upcoming holidays and related unavailability of attorneys and staff during the next two weeks, we can commit to producing such documents the first week of January. We hope you find this approach satisfactory such that we can continue to work together on these issues without Court intervention.

We wish you, and your families, happy holidays.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles

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On Thu, Dec 19, 2019 at 8:44 AM Shayla R. Myers <SMyers@lafila.org> wrote:

Counsel:

We are following up regarding our continued request to commence discovery in this case. First, thank you for your letter and the additional document production. While we appreciate your willingness to produce certain documents relating to the specific incidences outlined in the complaint, the production does not include any documents related to the City's customs, policies, and procedures. Discovery of documents related to the City's policies and procedures is needed to, among other reasons, support Plaintiffs' contemplated request for a preliminary injunction. Moreover, we remain concerned that we have been unable to issue subpoenas to third parties.

The production of these documents does not eliminate the City's obligation to participate in the Rule 26 conference or our need to commence discovery. We assume it remains the City's position that you are under no obligation to engage in the Rule 26 conference at this time, but we continue to disagree. At this point, the deadline for a Rule 26 conference has come and gone. As we have repeatedly pointed out, the conference must be conducted "at least 21 days before .a scheduling conference is to be held or a scheduling order is due under Rule 16(b)." At the very latest, the trigger date for the conference is 21 days prior to this Friday, December 20 (the later of the two trigger dates that set the date when the "scheduling order is due under Rule 16(b)"). And it remains our position that, even if this was not the case, the five months that have elapsed since the case was filed has certainly made it "practical" to commence discovery. There is no reason to continue to delay discovery, given that the case will continue, regardless of the Court's ruling on the Motions to Dismiss.

If the City remains unwilling to schedule the Rule 26 conference, as we outlined in our numerous letters and our meeting pursuant to Local Rule 37.1, we will be seeking a court order, permitting us to commence limited discovery or in the alternative, to compel the City to conduct the Rule 26 conference. We intend to send you our portion of the joint stipulation by Friday, December 20, 2019.

We remain willing to forgo the joint stipulation if the City will agree to conduct the Rule 26(f) conference by no later than January 17, 2020, and to commit this week to a date certain for the conference. Please let us know by no later than tomorrow at noon if th City is willing to do so and, if so, a proposed date for the Rule 26(f) conference.

We realize that the timing to respond to the joint stipulation, if we are forced to proceed, will fall over the

holiday, and we note that Mr. LeBron, who sent the last letter regarding discovery, indicated he is out of the office for several weeks. Since Mr. LeBron has not been involved in the discovery discussions to date, and he indicated that the other attorneys who have been involved in our discussions would be available, we do not expect that his absence will cause significant disruption. But with that said, we are cognizant of the timing over the holidays, and we are more than happy to discuss today an alternative timeline and provide the City more time to provide your portion of the Joint Stipulation.

And of course, it has been and remains our very strong preference to avoid this motion and preserve judicial resources, by simply setting a date for and conducting the Rule 26 conference in early January.

Please let us know how you wish to proceed. We can be available by phone today or tomorrow before noon to discuss either the timing of the Rule 26 conference or the deadline for the City's portion of the Joint Stipulation.

Thanks,

Shayla Myers | Senior Attorney

Legal Aid Foundation of Los Angeles

7000 S. Broadway | Los Angeles, CA 90003

213.640.3983 **direct** | 213.640.3988 **facsimile**

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EXHIBIT H

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Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

JANET GARCIA, GLADYS
ZEPEDA, MIRIAM ZAMORA, ALI
EL-BEY, PETER DIOCSON JR,
MARQUIS ASHLEY, JAMES
HAUGABROOK, individuals,
KTOWN FOR ALL, an
unincorporated association;
ASSOCIATION FOR
RESPONSIBLE AND EQUITABLE
PUBLIC SPENDING, an
unincorporated association

Plaintiff(s),

v.

CITY OF LOS ANGELES,
a municipal entity; DOES 1 -7,

Defendants.

CASE NO.: 2:19-CV-06182-DSF-PLA

**JOINT STIPULATION
REGARDING PLAINTIFFS'
MOTION FOR EXPEDITED
DISCOVERY**

DISCOVERY MATTER

Hearing: February 5, 2020
Time: 10:00 a.m.
Courtroom: 780

The Hon. Paul L. Abrams

Discovery Cut-Off: None set
Pretrial Conference: None set
Trial Date: None set

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2 Kristina Harootun (SBN 308718)
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Attorneys for Defendant, CITY OF LOS ANGELES

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1 Pursuant to Local Rule 37, Janet Garcia, Gladys Jane Zepeda, Ali El-Bey, Jamie
2 Haugabrook, Pete Diocson Jr., Marquis Ashley, KTown For All, and Association for
3 Responsible and Equitable Public Spending (“Plaintiffs”), and City of Los Angeles
4 (“Defendant” or “City”), respectfully submit the following Joint Stipulation regarding
5 Plaintiffs’ request for expedited discovery.

I. PLAINTIFFS' INTRODUCTORY STATEMENT

This case arises out of constitutional violations by the City of Los Angeles (the “City”) against the Plaintiffs—homeless individuals and organizations that work with and represent homeless individuals—in the enactment and enforcement of Los Angeles Municipal Code (“LAMC”) Section 56.11. Under LAMC 56.11, the City can seize—and does seize—homeless people’s belongings. In most instances, the City must store people’s belongings when it is seized; however, the ordinance also allows the City to immediately destroy those items it deems an “immediate threat to the health and safety of the public” or “bulky.” It can do so under LAMC 56.11 with no notice, and with no pre- or post- deprivation hearing.¹ Plaintiffs allege that through the enforcement of LAMC 56.11, the City throws away nearly all of the property it comes in to contact with, and in doing so, has and will continue to violate Plaintiffs’ constitutional rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.²

As detailed in Plaintiffs’ Supplemental Complaint, the harm suffered by Plaintiffs as a result of these unconstitutional practices has been substantial and is ongoing. In 2019, the City seized and disposed of the Plaintiffs’ tents, sleeping bags, carts, clothing, work supplies, medication, important documents, and other items that Plaintiffs need to survive on the streets. Supp. Comp. ¶ 21. And the property was immediately destroyed. For example, during a City “rapid response” clean-up for Plaintiff El-Bey last January, Mr. El-Bey was given only ten minutes to pack up his belongings, and when he was

¹ This destruction, with no due process, of people’s belongings that the City determines are “bulky” or “an immediate threat” stands in contrast to the City’s seizure of other categories of property under LAMC 56.11—such as property that is deemed “excess” or is blocking a sidewalk—which requires the City to provide pre- and post- deprivation notice and storage of property.

² Plaintiffs brought a facial challenge to LAMC 56.11 as well as the as-applied challenge discussed in this motion. See Supp. Comp. ¶¶ 217-247; Dkt. No. 22. The City brought a Motion to Dismiss Plaintiffs’ facial challenges to the ordinance and to its related state law claims. The City also challenged the jurisdiction of the two organizational plaintiffs. See Dkt. No. 21, 22. The City did not, however, bring a Motion to Dismiss six of the seven Plaintiffs’ as-applied challenges, and as such, Plaintiffs seek discovery relevant only to these claims, which will remain to be litigated even if the City prevails on every portion of its Motions to Dismiss.

1 unable to do so, the City seized his remaining items, including his tent. The City then
2 destroyed Mr. EL-Bey's belongings because the tent was wet, and the City asserted it
3 could not store an item that was wet. Supp. Comp. ¶ 30. Similarly, on August 14, 2019,
4 a month after this case was filed, Plaintiff Garcia attempted to comply with the City's
5 instructions to move her belongings, and instead, everything she owned was once again
6 thrown away. As a result, she was forced to sleep on the ground, without a tent or
7 blankets. Supp. Comp. ¶ 25.

8 These are not individual incidents. The City engages in these types of property
9 seizures pursuant to LAMC 56.11 every day. And as the temperatures drop and the
10 rainy season begins, the harm only intensifies. This case was filed in July. It is now
11 January, and the risk of harm to homeless individuals is more severe: as Mr. El-Bey
12 experienced last winter, the City's policy requires it to destroy wet property, and the
13 loss of tents, blankets, and clothing can have dire consequences for unhoused residents.

14 Given the ongoing violations, Plaintiffs have repeatedly requested that the City
15 participate in the Rule 26(f) conference and allow the parties to initiate discovery. *See*
16 Declaration of Shayla Myers ¶¶ 7, 9, 10, 11. Not only had the complaint been pending
17 for months at the time Plaintiffs made the request, but the City had already disclosed
18 that it would not move to dismiss the individual plaintiffs' as-applied constitutional
19 claims certain claims. *See id.* ¶ 4. Under these circumstances, a Rule 26(f) conference
20 is practicable, as contemplated under the Rules. As an alternative, on October 16, 2019,
21 Plaintiffs asked the City to consent to early discovery. *See id.* ¶ 11. Plaintiffs explained
22 that the discovery was necessary to obtain evidence of the City's widespread practices
23 and implementation of its policies to determine whether to seek an early injunction. *See*
24 *id.*

25 To date, the City continues to refuse to participate in the Rule 26(f) conference
26 or agree to the limited discovery proposed. The City has been willing to provide a small
27 amount of documents relating to portions of the individual incidences alleged in
28 Plaintiffs' as-applied claims, although even there, the City's production has been

1 deficient. *See id.* ¶¶ 14, 15. And more recently, the City agreed to produce its policies,
2 procedures, directives, manuals, and special orders related to LAMC 56.11 by January
3 10, 2020. *See id.* ¶¶ 19, 22. But even if the City produces all the documents in its
4 possession, custody, or control that it says it will produce, such production is not
5 enough. Indeed, under *Monell v. Department of Social Services of City of New York*,
6 436 U.S. 658, 659 (1978), to prevail on their as-applied claims, Plaintiffs not only need
7 documents and information relevant to the specific incidents identified in their
8 complaint, but they must be able to show that those incidents were part of a widespread
9 formal or informal policy, practice, or custom of the City.

10 Plaintiffs have nonetheless offered that they would narrow the early discovery
11 requests as a compromise. *See* Myers Dec. ¶ 14. The City did not engage. *See id.*
12 Through this motion, Plaintiffs now seek nine requests for production and a limited
13 third-party subpoena.

14 As outlined below, the limited discovery sought here is appropriate for multiple
15 independent reasons: (1) the deadline for the City to participate in the Rule 26(f)
16 conference has come and gone; (2) even if the City were justified in this delay, Plaintiffs
17 need discovery to assess whether to file a preliminary injunction; (3) Plaintiffs also need
18 some of the discovery to identify DOE defendants; and (4) the discovery is relevant to
19 the underlying claims and will facilitate effective case management. Accordingly,
20 Plaintiffs respectfully request that the Court order discovery for the discrete set of policy
21 and procedure-related materials identified herein.

22 **II. DEFENDANT’S INTRODUCTORY STATEMENT**

23 No good cause supports Plaintiffs’ request for expedited discovery. *First*, no
24 urgency exists. The public-right-of-way cleaning ordinance that Plaintiffs challenge,
25 codified in LAMC 56.11, has been effective and enforced since 2016. Plaintiffs, seven
26 individuals and two organizational plaintiffs, filed the operative complaint (the FAC)
27 challenging the ordinance three years later, on October 17, 2019. In the FAC, Plaintiffs
28 allege that two provisions of LAMC 56.11—which permit unnoticed seizures of items

1 left on public rights-of-way that are “bulky” or pose “an immediate threat to the health
2 and safety of the public”—are facially unconstitutional under the Fourth and Fourteenth
3 Amendments. Plaintiffs also bring as-applied challenges under the Fourth and
4 Fourteenth Amendments, and two state law claims, based on property that was allegedly
5 seized from them under LAMC 56.11 in 2019. No motion for preliminary injunction
6 (“PI”) has been filed.

7 **Second**, there has been no undue “delay” in discovery. The Court has not issued
8 a Scheduling Order. Also, the Court has not yet ruled on the two motions to dismiss,
9 filed by the City on October 21, 2019 (*see* Dkt. 21; 22; 28), which could dramatically
10 change the landscape of the litigation. If the motions are granted, it would result in the
11 dismissal of five (out of seven) of Plaintiffs’ claims (leaving only the as-applied claims),
12 one individual Plaintiff (Haugabrook), and both of the organizational Plaintiffs. The
13 Court’s orders on these motions could thus have a significant impact on the relevance
14 of Plaintiffs’ discovery requests and the concomitant proportionality analysis.

15 Moreover, far from “refusing” to engage in early discovery, the City has been
16 working with Plaintiffs to respond to reasonable requests for such discovery and has
17 voluntarily produced over 4,000 pages of documents. (Declaration of A. Patricia Ursea
18 [“Ursea Decl.”] at ¶2.) As described below, these documents fall into three categories,
19 which the City will refer to as (1) “Incident-Specific Documents”; (2) “March 2019
20 Sanitation Reports”; and (3) “Policy-Related Documents.”

21 “Incident-Specific Documents,” totaling over 2,600 pages, are documents that
22 describe, depict, or directly relate to the incidents and seizures of property alleged by
23 the individual Plaintiffs. These documents include (a) Bureau of Sanitation reports
24 evidencing cleanups related to the dates/locations of cleanups alleged by Plaintiffs, and
25 contain information about the items taken, the disposition of the items and reasons
26 therefore, photographs, and the names of the City employees involved, and (b) police
27 records related to the incidents, including Watch Commander’s Daily Reports and
28 dispatch reports, which provide incident details and the names of officers involved.

1 (Ursea Decl. at ¶¶ 4 & Ex. A-E.) The City produced these documents because, except
2 Haugabrook’s claim, the City’s motions do not challenge Plaintiffs’ as-applied claims.

3 “March 2019 South LA Sanitation Reports,” totaling over 800 pages, are reports
4 by the Sanitation Bureau for all cleanups conducted in South LA in March 2019. (*Id.*
5 at ¶5.) The City produced these documents because it was unable to locate any incident-
6 specific documents corresponding to Plaintiff Haugabrook’s vague allegation that his
7 belongings were seized and destroyed in “March 2019” at or around “Figueroa St.,
8 between 53rd St. and 52nd Place.” (Dkt. 20 at 44:1-2-3; 10-11.) Thus, the City
9 produced all reports for all cleanups in the surrounding area (South Los Angeles) so
10 Plaintiffs can reassess Haugabrook’s claim, which the City has moved to dismiss.

11 “Policy-Related Documents,” totally over 500 pages, are documents responsive
12 to Plaintiffs’ request for “policies, procedures, directives, manuals, and special orders
13 related to LAMC 56.11 and ENCAMPMENT CLEANUPS, including but not limited
14 to the seizure, storage or destruction of people’s belongings pursuant to LAMC 56.11”.
15 (Ursea Decl. at ¶¶ 6 & Ex. F.) The City produced these documents in response to
16 Plaintiffs’ contention that they need such documents to establish *Monell* liability and
17 assess a potential PI motion. Although it is far from clear at this stage what relevance
18 any “policy” documents beyond LAMC 56.11 itself and the City’s related enforcement
19 Protocols (both of which Plaintiffs challenge on facial grounds) may have to Plaintiffs’
20 claims,³ the City produced the Policy-Related Documents in a good-faith (though
21 obviously unsuccessful) attempt to avoid burdening the Court and parties with
22 unnecessary early-discovery motion practice.

23 ***Third***, Plaintiffs have failed to meet their burden to show that “the need for
24 expedited discovery, in consideration of the administration of justice, outweighs the
25 prejudice to the responding party.” *In re Countrywide Fin. Corp. Derivative Litig.*, 542

26 _____
27 ³ As described below, the “policy and practices” on which Plaintiffs’ *Monell* claim
28 appears to be based is the enforcement of LAMC 56.11 and Protocols. (*See* FAC, Dkt.
20 at 16:15-20:11.)

1 F. Supp. 2d 1160, 1179 (C.D. Cal. 2008). Courts routinely deny requests for expedited
2 discovery where, as here, the moving party seeks broad discovery that would unduly
3 burden the responding party early in litigation before the pleadings are settled. *See*,
4 *e.g.*, *Extreme Reach, Inc. v. PriorityWorkforce, Inc.*, 2017 WL 10544621, at *4 (C.D.
5 Cal. Oct. 18, 2017). As one court aptly explained in a recent case: “Until the motion
6 to dismiss is resolved, the actual claims and defenses at issue will be unclear. Where,
7 as here, the operative complaint is challenged by motion practice, delaying discovery
8 until the claims and defenses in the case are better defined reduces expenses, minimizes
9 the burden of unnecessary discovery, and conserves judicial resources.” *Zavala v.*
10 *Kruse-Western, Inc.*, 2019 WL 3219254, at *2 (E.D. Cal., July 17, 2019).

11 Here, without any credible explanation as to why they urgently need more than
12 the City has already provided, Plaintiffs seek to force the City to engage in what
13 amounts to full-blown, unbounded, discovery—at a time when the pleadings (and
14 parties) remain unsettled and thus, relevance and proportionality cannot be
15 meaningfully assessed.⁴ Specifically, Plaintiffs seek an order:

16 (1) Compelling the City to immediately produce an extensive array of non-
17 Plaintiff-specific documents from a variety of internal and external sources, spanning
18 many years before Plaintiffs’ alleged incidents occurred, on a variety of overbroad and
19 seemingly irrelevant topics such as “[a]ll COMMUNICATIONS related to use of forms
20 used by the City or any its contractors or subcontractors...that relate to the storage of
21 personal property, seized, or otherwise obtained by the City...” (Request No. 5);

22 (2) In the alternative, compelling the City to engage in a premature Rule 26(f)
23 conference; and

24 (3) Permitting Plaintiffs to subpoena storage-related documents from a third-
25 party contractor that provides storage facilities to the City (Chrysalis)—even though all
26

27 ⁴ Indeed, Plaintiffs seem to ask for more than even that. They claim to seek an order
28 compelling the City to *immediately produce* a potentially enormous volume of
documents without even giving the City the opportunity to respond and object.

1 of Plaintiffs' claims arise from the *destruction*, not storage, of their property.

2 Plaintiffs claim that they are entitled to additional documents because (a) "the
3 deadline for the City to participate in a Rule 26(f) conference has come and gone";
4 (b) Plaintiffs need "to assess whether to file a preliminary injunction"; (c) Plaintiffs
5 need "some discovery to identify DOE defendants"; and (d) "the discovery is relevant
6 to the underlying claims and will facilitate effective case management." As discussed
7 below, none of these contentions have merit. Plaintiffs offer no credible reason
8 justifying an *immediate* need for *any* additional discovery beyond what the City has
9 already produced, let alone for the extensive discovery Plaintiffs want. Plaintiffs'
10 request for expedited discovery, or alternatively, a Rule 26(f) conference prior to the
11 Court's ruling on the City's pending motions to dismiss, should be denied.

12 **III. DISCOVERY REQUESTS AT ISSUE**

13 Plaintiffs request that Defendants produce documents responsive to the following
14 requests for production prior to the commencement of general discovery under Fed. R.
15 Civ. P. 26(f).

16 1. All DOCUMENTS that refer or relate to ENCAMPMENT CLEANUPS
17 conducted in the following areas between January 1, 2018 and the present: (a) Between
18 8th St. and 5th St. to the North and South, and Mariposa and Hobart, to the East and
19 West; (b) Aetna St., between Van Nuys Blvd. and Hazeltine Ave.; (c) Between Aetna
20 and Delano St. to the North and South, and Kester Ave., and Van Nuys Blvd to the East
21 and West; (d) Figueroa, between 51st and 55th St.; and (e) Lomita Blvd. between
22 Figueroa and Vermont, and McCoy St.

23 2. All DOCUMENTS related to trainings conducted by or for CITY
24 employees, agents, or contractors regarding LAMC 56.11 and ENCAMPMENT
25 CLEANUPS, including but not limited to the seizure, destruction, or storage of property
26 pursuant to LAMC 56.11. Requested materials include but are not limited to any flyers;
27 email communications promoting, announcing or otherwise describing the trainings;
28 calendar invitations for any trainings; attendance or sign-in sheets for any and all

1 trainings; training materials, including but not limited to presentations, handouts, and
2 manuals; presenter's notes; and notes taken by participants.

3 3. All DOCUMENTS related to trainings conducted by or for CITY
4 employees, agents, or contractors at any time since January 1, 2012 regarding what
5 constitutes "an immediate threat to public health and safety" or "bulky item," including
6 but not limited to the seizure, destruction, or storage of property on this basis.
7 Requested materials include but are not limited to any flyers; email communications
8 promoting, announcing or otherwise describing the trainings; calendar invitations for
9 any trainings; attendance or sign-in sheets for any and all trainings; training materials,
10 including but not limited to presentations, handouts, and manuals; presenter's notes; and
11 notes taken by participants.

12 4. All DOCUMENTS sufficient to show the job descriptions, qualifications,
13 and identities of CITY employees, agents, or contractors with any decision-making
14 authority or responsibility for determining whether property constitutes "an immediate
15 threat to public health and safety" or a "bulky item" for ENCAMPMENT CLEANUPS
16 or clean-ups otherwise conducted pursuant to LAMC 56.11.

17 5. All COMMUNICATIONS related to the use of forms used by the CITY
18 or any of its contractors or subcontractors, including Chrysalis, LAHSA, and Clean
19 Harbors, that are related to the storage of personal property taken, seized, or otherwise
20 obtained by the City, including but not limited to any email instructions or clarifications
21 related to the use of the form.

22 6. All reports, summaries, statistics, analysis, forms, photographs or data
23 compilations related to ENCAMPMENT CLEANUPS in 2019, including but not
24 limited to chain of custody forms, property logs, Health Hazard Assessment Reports,
25 and related documents created by LA Sanitation.

26 7. All reports, summaries, statistics, analysis, forms, photographs or data
27 compilations related to the enforcement of LAMC 56.11 in 2019, including the seizure,
28 destruction, and storage of property, pursuant to the ordinance. This request includes,

1 but is not limited to all reports related to CARE and CARE+, HOPE/Rapid Response
2 56.11 Enforcement Reports and related DOCUMENTS, and chain of custody forms.

3 8. All complaints or grievances, including but not limited to Government Tort
4 Claims, filed against the CITY, including the LAPD, related to the seizure and/or
5 destruction of homeless people's belongings.

6 9. All statistics, reports, analysis, or data compilations related to the use or
7 capacity of STORAGE FACILITIES.

8 * * *

9 Plaintiffs further request that they be permitted to serve a third-party subpoena to
10 Chrysalis seeking the following requests for production prior to the commencement of
11 general discovery under Fed. R. Civ. P. 26(f).

12 1. One copy of each form used in the operation of the STORAGE FACILITY,
13 including but not limited to any sign-in sheets, chain of custody forms, property logs.

14 2. All DOCUMENTS related to trainings conducted by or for CHRYSALIS
15 employees, agents, or contractors at any time since January 1, 2012 regarding the
16 operation of the STORAGE FACILITY, including but not limited to the seizure,
17 destruction, or storage of property at the STORAGE FACILITY. Requested materials
18 include but are not limited to any flyers; email communications promoting, announcing
19 or otherwise describing the trainings; calendar invitations for any trainings; attendance
20 or sign-in sheets for any and all trainings; training materials, including but not limited
21 to presentations, handouts, and manuals; presenter's notes; and notes taken by
22 participants.

23 3. All DOCUMENTS related to the policies and procedures for handling
24 property seized at ENCAMPMENT CLEANUPS or clean-ups otherwise conducted
25 pursuant to LAMC 56.11, including but not limited to the storage, return, or
26 destruction of people's belongings pursuant to LAMC 56.11.

27 4. All COMMUNICATIONS related to the storage of personal property
28 taken, seized, or otherwise obtained by the City.

1 Rule 26 conference, or with agreement of the parties or a Court order, can the parties
2 commence discovery. *See* Fed. R. Civ. P. 26(d). In this case, Plaintiffs served the
3 Complaint on August 21, 2019 (Dkt. No. 1) and Defendants filed a Motion to Dismiss
4 under Rule 12(b)(6) and thus appeared on October 21, 2019 (Dkt. No. 21). As such,
5 under Rule 16(b), the scheduling order would generally be issued on November 21,
6 2019 under the first provision of Rule 16(d) and December 20, 2019 under the second.
7 *See* Fed. R. Civ. P. 16(d) (“[T]he judge must issue [the scheduling order] within the
8 earlier of 90 days after any defendant has been served with the complaint or 60 days
9 after any defendant has appeared.”). Under the rules, the City is required to meet and
10 confer with Plaintiffs and begin the discovery period *no later than* 21 days before the
11 Scheduling order is due, which would have been November 1. Plaintiffs requested in
12 early September 2019 that the parties schedule the Rule 26 conference in October to
13 give the parties sufficient time to prepare for the meeting. *See* Myer Dec. ¶ 7. The City
14 refused to do so, and has rebuffed every subsequent request from Plaintiffs to schedule
15 the conference. *See id.* Now it has been over a month and a half since the November 1
16 deadline, and the City has still refused to even schedule, let alone participate in a
17 conference. This refusal violates the Federal Rules of Civil Procedure, holds up the
18 start of discovery, and prevents Plaintiffs from proceeding in this litigation. As such,
19 Plaintiffs have no choice but to seek a court order under Rule 26(d), allowing Plaintiffs
20 to begin conducting limited discovery.

21 Under Rule 26(d), Plaintiffs are entitled to an order compelling discovery prior
22 to the Rule 26(f) conference if they can show good cause. *See* Fed. R. Civ. P. 26(d);
23 *Sas v. Sawabeh Info. Servs. Co.*, No. CV1104147GAFMANX, 2011 WL 13130013, at
24 *2 (C.D. Cal. May 17, 2011); *Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273,
25 274-46 (N.D. Cal. 2002). Good cause exists when the need for expedited discovery, in
26 consideration of the administration of justice, outweighs the prejudice, if any, to the
27 responding party. *See Semitool*, 208 F.R.D. at 276; *Sas*, 2011 WL 13130013, at *2;
28 *Interserve, Inc. v. Fusion Garage PTE, Ltd.*, No. C 09-05812 JW PVT, 2010 WL

1 143665, at *2 (N.D. Cal. Jan. 7, 2010). To determine if good cause exists, courts will
2 weigh the following factors: “(1) whether a preliminary injunction is pending; (2) the
3 breadth of the discovery requests; (3) the purpose for requesting the expedited
4 discovery; (4) the burden on the defendants to comply with the requests; and (5) how
5 far in advance of the typical discovery process the request was made.” *SATA GmbH &*
6 *Co. Kg v. Wenzhou New Century Int’l, Ltd.*, No. CV 15-08157-BRO (EX), 2015 WL
7 6680807, at *11 (C.D. Cal. Oct. 19, 2015).

8 Courts have found that good cause is present when discovery will allow plaintiff
9 to determine whether to seek an early injunction and when the discovery requested is
10 relevant and will facilitate effective case management. *See, e.g., NobelBiz, Inc. v.*
11 *Wesson*, No. 14CV0832 W JLB, 2014 WL 1588715, at *1 (S.D. Cal. Apr. 18, 2014)
12 (“While NobelBiz has not yet filed a motion for preliminary injunction, courts have
13 found that expedited discovery may be justified to allow a plaintiff to determine whether
14 to seek an early injunction”); *Semitool*, 208 F.R.D. at 276 (finding that the relevance of
15 discovery requested and facilitation of case management support a request for expedited
16 discovery). Early discovery is also allowed when it is needed to identify DOE
17 defendants. *See, e.g., 808 Holdings LLC v. Collective of Jan. 3, 2012 Sharing Hash*,
18 No. CV 12-2251-CAS (EX), 2012 WL 13012725, at *5 (C.D. Cal. Oct. 1, 2012)
19 (finding that expedited discovery is justified to identify Doe defendants).

20 Here, there are three independent reasons why Plaintiffs are entitled to the
21 requested discovery. *First*, Plaintiffs need the discovery to determine whether to file a
22 preliminary injunction to stop the ongoing harm. *Second*, Plaintiffs need the discovery
23 to determine the identities of DOE defendants. And *third*, the requested discovery is
24 directly relevant to Plaintiffs’ as-applied claims, which will be subject to discovery, and
25 will facilitate effective case management. Because the City has not moved to dismiss
26 Plaintiffs’ as-applied claims, the case will survive the motion to dismiss stage and the
27 claims will be unaffected by the Court’s rulings on the Motions to Dismiss. Thus the
28 requested documents will have to be produced during the pendency of the case and any

1 alleged prejudice to the City by ordering the City to produce some documents prior to
2 the Rule 26(f) conference is minimal at most, particularly given that it will be more than
3 six months after the Complaint was filed. And Defendant could have obviated even the
4 minimal prejudice by simply participating in a Rule 26(f) conference.

5 **1. Early Discovery Is Necessary To Determine Whether To Seek**
6 **A Preliminary Injunction.**

7 An order allowing Plaintiffs to begin limited discovery is necessary here so that
8 Plaintiffs can gather evidence to decide whether to seek a preliminary injunction.
9 Courts routinely grant early discovery on this basis. *See NobelBiz*, 2014 WL 1588715,
10 at *2 (“[D]iscovery may be justified to allow a plaintiff to determine whether to seek an
11 early injunction”); *Interserve*, 2010 WL 143665, at *2 (finding that good cause exists
12 because expedited discovery would allow plaintiff to seek a preliminary injunction);
13 *Malon v. Franklin Fin. Corp.*, No. 3:14CV671 HEH-RCY, 2014 WL 5795730, at *2
14 (E.D. Va. Nov. 6, 2014) (granting expedited discovery before plaintiff’s anticipated
15 preliminary injunction motion because “discovery in anticipation of a motion for a
16 preliminary injunction is appropriate as that is the stage during which Plaintiff’s ‘relief
17 can best be given’”). Courts in particular recognize the need for immediate discovery
18 that is sought in anticipation of a preliminary injunction, and permit early discovery
19 even when plaintiff has not yet filed a motion for a temporary restraining order or
20 preliminary injunction. *See NobelBiz*, 2014 WL 1588715, at * 1 (finding that expedited
21 discovery is needed to create a factual record before filing a motion for preliminary
22 injunction or temporary restraining order); *Light Salt Investments, LP v. Fisher*, No.
23 13CV1158-MMA DHB, 2013 WL 3205918, at *2 (S.D. Cal. June 24, 2013) (granting
24 expedited discovery “although a motion for preliminary injunction is not currently
25 pending, Plaintiff indicated it plans to file a motion for preliminary injunction in the
26 near future”). The discovery is especially needed here because the City is in possession
27 of unique documents and information needed for a preliminary injunction. *See Io Grp.,*
28 *Inc. v. Does 1-65, individuals*, No. 10-4377 SC, 2010 WL 4055667, at *2 (N.D. Cal.

1 Oct. 15, 2010) (permitting early discovery because plaintiff has no other way to get
2 requested information to support preliminary injunction).

3 Plaintiffs are seeking discovery to support an argument that they will likely
4 succeed on their claims as part of a preliminary injunction. Under *Monell*, for Plaintiffs
5 to prevail on their as-applied claims, Plaintiffs need information about the specific
6 incidents identified in their complaint *and* must be able to show that those incidents
7 were part of a formal or informal custom, policy or practice of the City. 436 U.S. at
8 690; *see also Oglala Sioux Tribe v. Van Hunnik*, 298 F.R.D. 453, 459 (D.S.D. 2014)
9 (finding that it is necessary for plaintiff to show defendant's unconstitutional policies,
10 practices and customs for a preliminary injunction); *Cooley v. City of Los Angeles*, No.
11 218CV09053CASPLAX, 2019 WL 1936437, at *4 (C.D. Cal. May 1, 2019) (finding
12 that plaintiffs alleged the City had a practice of destroying the property of unhoused
13 individuals in violation of the Fourth and Fifth Amendments by alleging it acted
14 inconsistent with the procedure in LAMC 56.11); *Amalgamated Transit Union, Local*
15 *1277, AFL-CIO v. Sunline Transit Agency*, 663 F. Supp. 1560, 1564 (C.D. Cal. 1987)
16 (finding agency's policy to issue randomized tests is relevant to preliminary injunction).

17 This is the precise discovery Plaintiffs seek here. Plaintiffs seek discovery
18 relating to the City's customs, practices, and policies, including policy documents and
19 documents related to trainings conducted by the City. *See* RFP Nos. 2-. Plaintiffs
20 likewise seek more complete discovery for the specific alleged incidences in the
21 complaint relating to the individual Plaintiffs. *See* RFP No 1. The remaining requests
22 relate to the specific implementation of those policies, such as incident reports, storage
23 reports, and documentation of the City's clean-ups for the last few years. *See* RFP Nos.
24 5-9. All of these requested documents go precisely to the specific question of the City's
25 liability under *Monell*. *See e.g., Oviatt By and Through Waugh v. Pearce*, 954 F.2d
26 1470, 1478 (9th Cir. 1992) (evidence of multiple violations of constitutional rights
27 sufficient to support a jury finding of *Monell* liability); *Alexander v. City and County of*
28 *San Francisco*, 29 F.3d 1355, 1367 (9th Cir. 1994) (question relevant to *Monell* liability

1 based on inadequacy of training is whether there is “program-wide inadequacy in
2 training”). The City alone possesses this unique information needed to support a
3 preliminary injunction. *See, e.g., Io Grp., Inc.*, 2010 WL 4055667, at *2 (permitting
4 early discovery because plaintiff has no other way to get requested information to
5 support preliminary injunction); *Oglala Sioux Tribe*, 298 F.R.D. at 459 (finding that the
6 early discovery request is the only way to show defendant’s pattern and practice).

7 The third-party subpoena for Chrysalis is likewise needed at this stage. Chrysalis
8 operates the BIN, which is the storage facility used by the City to store items that are
9 seized by the City through its enforcement of LAMC 56.11. Therefore, Chrysalis is in
10 possession of documentation related to the items that may have been seized and stored
11 during both the individual incidents at issue in this litigation, and have evidence
12 necessary to demonstrate how much (or how little) property the City seizes and stores
13 pursuant to enforcement of the ordinance.

14 This question is directly relevant to the issues in this litigation. Plaintiffs allege
15 that LAMC 56.11 is primarily an “impound” statute that requires the City to store most
16 property it seizes and to make that property available to its owner to retrieve, but in
17 reality, it is the City’s custom and practice to destroy nearly all the property it seizes.
18 The City does so under the guise of addressing “immediate threat to public health and
19 safety” and because items are “bulky,” when in reality the items are neither an
20 “immediate threat” nor bulky. Evidence about what and how much property is stored
21 is therefore directly relevant to the question of whether and to what extent the City is
22 destroying property, and is particularly critical given that the City keeps sparse records
23 of the property it destroys. A targeted subpoena to the third party that stores the property
24 seized by the City, as contemplated herein, would permit Plaintiffs to gather documents
25 necessary to determine how the City implements its policy and practice of handling
26 property it has seized pursuant to LAMC 56.11.

27 The City’s agreement to produce documents related only to the individual
28 instances and specific written policies is not enough. Given the burden placed on

1 Plaintiffs to show that the individual violations were the result of a custom, pattern, or
2 practice in order to establish *Monell* liability, the City will likely argue that the evidence
3 regarding just the individual instances alleged in the complaint will not be enough to
4 show practice, policy, and custom. The City also claims that the policy and practice
5 discovery is premature because it may admit or deny allegations in the complaint, thus
6 obviating the need for practice, policy, and custom discovery. That is nonsensical, as it
7 will do nothing to cure the problem that the parties will need to evaluate the
8 implementation and execution of City's customs, policies, and procedures.

9 Allowing this litigation to proceed by allowing Plaintiffs to commence discovery
10 is even more critical because it is winter, and the loss of property pursuant to the City's
11 practices can be incredibly dangerous, if not fatal to unhoused residents, including the
12 plaintiffs in this case. The City conducts cleanups immediately before and directly after
13 inclement weather. Plaintiffs allege, and are confident that documents produced by the
14 City will show, that the City has a custom, policy, or practice of throwing away any
15 item it determines is wet, and it uses LAMC 56.11 as pretext. Supp. Comp. ¶ 107.
16 Indeed, last January, the City destroyed Mr. El-Bey's tent for this very reason. With
17 the start of winter, which is the rainiest season in Los Angeles, it is inevitable that for
18 the next couple of months, Plaintiffs' property will get wet from rain—grounds for
19 immediate destruction under the City's policy. Accordingly, the risk that Plaintiffs will
20 lose their property is increasingly great, and the harm they will suffer as a result is also
21 more significant

22 **2. Early Discovery Is Needed To Identify DOE Defendants.**

23 Early discovery is also appropriate here because Plaintiffs are unable to identify
24 all seven DOE defendants listed in the complaint. *See, e.g., 808 Holdings LLC v.*
25 *Collective of Jan 3, 2012 Sharing Has*, No. C 12-2251-CAS(EX), 2012 WL 13012725,
26 at *5 (C.D. Cal. Oct. 1, 2012); *10 Grp. Inc. v. Does 1-19*, 2010, No. C 10 03851 SI,
27 WL 11583153, at *1 (N.D. Cal Sept. 23, 2010). The City is in the best place to provide
28 this information. *See Cooley*, 2019 WL 1936437, at *5. DOES 1-7 are City employees

1 and/or agents who are responsible for the constitutional violations identified in the
2 Supplemental Complaint. More specifically, DOES 1-2 are two LAPD officers
3 involved in Plaintiff El-Bey's January 10, 2019 incident and DOES 3-7 are five LA
4 Sanitation officers who were involved in Plaintiff El-Bey's January 10, 2019 incident.
5 *See Supp. Comp.* 161, 166. Based on the City's document production to date, Plaintiffs
6 have only been able to identify two of the five LA Sanitation workers from the January
7 10 incident. *See Myers Dec.* ¶ 15

8 Plaintiffs asked the City to help them understand who the remaining DOE
9 defendants were based on the document production or to provide documents containing
10 information that would allow Plaintiffs to identify the DOE defendants. *See id.* ¶ 16.
11 In response, the City provided the names of two LAPD officers who "may" have been
12 involved in the January 10, 2019 incident and the names of two LAPD officers who
13 "may" involved in a different incident on June 4, 2019 *See id.* ¶ 17. The subsequent
14 production of documents did not otherwise reveal the identities of the remaining DOE
15 defendants. *See id.*

16 This is not enough. There are still three LA Sanitation employees, identified as
17 DOES 5-7, that have not been identified. And the City's response that two police
18 officers "may" be DOES 1 and 2 does not actually identify the officers who were
19 involved in the allegations, as opposed to officers who may have been on the scene on
20 those dates. To fully identify the DOE defendants, Plaintiffs need more specific
21 documents about the incidents and body worn video footage in response to Plaintiffs'
22 proposed first request of production above. Although the City stated it is willing to
23 provide body worn video footage, it has stated it is only willing to do so "at the
24 appropriate time." *See Myers Dec.* ¶ 17.⁵ The appropriate time is now given Plaintiffs
25 need to identify the DOE defendants.

26
27 ⁵ In its December 10 letter, the City stated that it would address the request for
28 production of LAPD body worn video that may exist regarding any of the specific
incidents following entry of a protective order. *See Myers Dec.* ¶ 17. Although

1 **3. Relevance Of The Discovery Request And The Facilitation Of**
2 **Case Management Support Good Cause.**

3 Relevance of the discovery request and facilitation of effective case management
4 additionally support a showing of good cause. *Semitool*, 208 F.R.D. at 276; *NobelBiz*,
5 2014 WL 1588715, at *2. The discovery requested is directly relevant to Plaintiffs’ as-
6 applied Fourth and Fourteenth Amendment claims that will remain in this case beyond
7 the motion to dismiss stage. Beginning discovery now may allow the court to decide
8 on preliminary injunctive relief at the outset of the case, which will facilitate effective
9 case management. *See NobelBiz*, 2014 WL 1588715, at *2 (finding that early discovery
10 that was requested before preliminary injunction was filed facilitated effective case
11 management because it allows the Court to rule on a preliminary injunction).

12 **4. Plaintiffs’ Discovery Request Is Not Prejudicial.**

13 The burden imposed to the City in complying with Plaintiffs’ requests for
14 discovery is minimal at most. Plaintiffs seek only an order compelling the City to
15 produce documents responsive to nine document requests that go to issues in the case
16 that the City *will have to produce anyway*. Courts are want to produce discovery in
17 circumstances, such as here, that is “relevant and discoverable” and would be “produced
18 in the normal course of discovery.” *See Sas*, 2011 WL 13130013, at *7 (“Defendants
19 are unlikely to be prejudiced by an order granting expedited discovery because
20 Defendants will likely produce this evidence during the normal course of discovery”);
21 *Semitool*, 208 F.R.D. at 276-77 (finding no prejudice because defendants will produce
22 the evidence during the normal course of discovery). Moreover, the only reason why
23 this motion and such an order is necessary is because the City refuses to participate in
24 a Rule 26(f) conference. Any possible prejudice to the City could be eliminated by
25 simply agreeing to participate in the long-overdue Rule 26(f) conference. And Plaintiffs
26

27 Plaintiffs do not agree that a protective order is needed, they are willing to enter a
28 protective order as contemplated by this Court’s Orders and Additional Documents to
facilitate production of the body cam footage.

1 propounded the requests in this case on October 16, 2019, more than two months ago,
2 which means the City has had ample time to review and begin identifying documents
3 responsive to the requests. Finally, with regard to the third party subpoena, the City
4 cannot show that the issuance of such a subpoena would impact, let alone prejudice, the
5 City in any way. By contrast until Plaintiffs are able to issue the subpoena, Plaintiffs
6 are at risk of the private third-party destroying documents relevant to this litigation.

7 The risk of harm to Plaintiffs absent immediate access to the information sought
8 outweighs any burden Defendants might claim in responding to this limited discovery
9 request. Plaintiffs continue to lose critical belongings as a result of the City's ongoing
10 enforcement of LAMC 56.11. *See, e.g.*, Supp. Comp. ¶ 222. Indeed, this Court has
11 issued a preliminary injunction enjoining the same Defendants from engaging in the
12 precise conduct challenged here. *See, e.g., Mitchell v. City of Los Angeles*, No.
13 CV1601750SJOGJSX, 2016 WL 11519288, at *7(C.D. Cal., Apr. 13, 2016) (explaining
14 that "Plaintiffs risk greater harm if the preliminary injunction is not granted. To put it
15 bluntly, Plaintiffs may not survive without some of the essential property that has been
16 confiscated."); *Lavan v. City of Los Angeles*, 797 F. Supp. 2d 1005, 1019 (C.D. Cal.
17 2011) ("Plaintiffs have shown the likelihood of proving past constitutional violations
18 and there is a potential for continuing violations, especially considering that the City
19 has been ordered to stop similar practices in the past"), *aff'd Lavan v. City of Los*
20 *Angeles*, 693 F.3d 1022, 1030 ("Appellees demonstrated a strong likelihood of success
21 on the merits of their claim that by collecting and destroying Appellees' property on the
22 spot, the City acted unreasonably in violation of the Fourth Amendment"); *Justin v. City*
23 *of Los Angeles*, No. CV0012352LGBAIJX, 2000 WL 1808426, at *13 (C.D. Cal. Dec.
24 5, 2000) (enjoining defendant from searching and "[c]onfiscating the personal property
25 of the homeless when it has not been abandoned and destroying it without notice").

26 Any burden to the Defendants in responding to the limited discovery requested
27 in this case should be minimal. And any burden is outweighed by Plaintiffs' need to
28 discover evidence necessary to support their preliminary injunction and identify DOE

1 defendants. Because the factual record in this case needs to be developed to determine
2 facts relevant to a preliminary injunction and for effective case management, and “in
3 light of all the surrounding circumstances,” good cause exists to grant limited expedited
4 discovery. *See, e.g., Semitool*, 208 F.R.D. at 275.

5 **V. DEFENDANT’S CONTENTIONS AND POINTS AND AUTHORITIES**

6 Plaintiffs have not satisfied their burden to show they are entitled to the additional
7 early discovery they seek beyond what the City has already produced. Early discovery
8 before pleadings are settled is only permitted under limited circumstances where a party
9 can show good cause for deviation from Rule 26(d) of the Federal Rules of Civil
10 Procedure. *See* Fed. R. Civ. Proc. 26(d) (providing that “[a] party may not seek
11 discovery from any source before the parties have conferred as required by Rule 26(f)”
12 unless by stipulation or court order); *see also Kulkarni v. Upasani*, 659 Fed. Appx. 937,
13 941 (9th Cir. 2016) (holding it was not abuse of discretion to determine expedited
14 discovery would be overly burdensome and that plaintiff had not established good cause
15 for why discovery must occur before disposition of pending motions to dismiss and
16 strike); *In re Countrywide Fin. Corp. Derivative Litig.*, 542 F. Supp. 2d at 1179
17 (denying plaintiffs’ motion for expedited discovery and noting “formal discovery is
18 generally allowed only after ‘the parties have conferred as required by [Federal Rule of
19 Civil Procedure] 26(f)’” (citation omitted). Good cause for expedited discovery can be
20 established only “where the need for expedited discovery, in consideration of the
21 administration of justice, outweighs the prejudice to the responding party.” *In re*
22 *Countrywide Fin. Corp. Derivative Litig.*, 542 F. Supp. 2d at 1179.

23 Here, Plaintiffs acknowledge that in analyzing whether good cause for early
24 discovery exists, courts consider: “(1) whether a preliminary injunction is pending;
25 (2) the breadth of the discovery requests; (3) the purpose for requesting the expedited
26 discovery; (4) the burden on the defendants to comply with the requests; and (5) how
27 far in advance of the typical discovery process the request was made.” *Am. LegalNet,*
28 *Inc. v. Davis*, 673 F. Supp. 2d 1063, 1067 (C.D. Cal. 2009). But Plaintiffs fail to show

1 that any of these factors, or any other factors, justify their early discovery demands. In
2 fact, there is no good cause for additional early discovery here.

3 **A. Plaintiffs Have Neither Filed a PI Motion Nor Justified Their**
4 **Purported Need For Additional Discovery.**

5 Despite the fact that (1) LAMC 56.11 has been in effect for over three years,
6 (2) Plaintiffs filed their initial complaint over six months ago, and (3) the City has
7 produced over 4,000 documents related to its policies and practices, no PI motion is
8 pending here.

9 Furthermore, even in cases where (unlike here) the party seeking expedited
10 discovery *has* filed a PI motion, “expedited discovery is not automatically granted
11 merely because a party seeks a preliminary injunction.” *See Am. LegalNet, Inc. v.*
12 *Davis*, 673 F. Supp. 2d at 1066 (denying plaintiff’s request for expedited discovery
13 going to the merits of the claims instead of narrowly tailored to information relevant to
14 a preliminary injunction determination). Instead, the party seeking to obtain expedited
15 discovery in support of a contemplated preliminary injunction motion must narrowly
16 tailor its expedited discovery requests to “information ‘to preserve the status quo’ and
17 demonstrate the reasonableness of the request. *See id.* at 1068; *see also Rovio Entm’t*
18 *Ltd. v. Royal Plush Toys, Inc.*, 907 F. Supp. 2d (N.D. Cal. 2012) (denying plaintiff’s
19 request for expedited discovery where plaintiff failed to show that the requested
20 discovery was “narrowly tailored to obtain information relevant to a preliminary
21 injunction determination.”).

22 Plaintiffs contend they need additional discovery to assess a possible PI motion
23 and to identify DOE defendants, but they fail to explain why the 4,000+ pages of
24 documents the City has already produced does not suffice for those purposes. In fact,
25 the produced documents—which contain information about the City’s policies and
26 practices and the names of City employees involved in the alleged incidents—more than
27 suffice. Plaintiffs also fail to show how the requested discovery would assist them in
28 achieving their stated objectives or advance the litigation in any meaningful way. In

1 fact, the requested documents have little if anything to do with Plaintiffs' claims or their
2 theory of the case. Finally, Plaintiffs' requests are far from "narrowly tailored" and
3 would impose an unjustified burden on the City to collect and produce documents
4 without even the benefit of knowing what claims or plaintiffs will remain in the case
5 after the pleadings are settled. Plaintiffs' request should be denied.

6 **1. PI Motion/*Monell* Liability**

7 Plaintiffs contend that they need the additional discovery to assess a possible PI
8 motion, and specifically, to establish the City's policies and practices for *Monell*
9 liability in any such motion. The argument is unfounded.

10 First, the legal standard for a preliminary injunction requires the moving party to
11 show a likelihood of success on the merits, not to present the same degree of evidence
12 necessary to prove their claims at trial. *See Extreme Reach, Inc.*, 2017 WL 10544621,
13 at *3 (finding proposed discovery requests "wholly incommensurate with Plaintiff's
14 stated purpose of assessing the necessity of a preliminary injunction. Rather, the
15 requests strike at the heart of [Plaintiff's] case-in-chief and would, in essence, require
16 Defendants to commence the wholesale discovery process months before Plaintiff.")

17 Second, Plaintiffs' *Monell* theory is rooted in LAMC 56.11 and the related
18 Protocols, not some unidentified policy or practice that Plaintiffs need to uncover. In
19 the FAC, Plaintiffs allege that: (1) the City has a policy of seizing and destroying
20 personal property under LAMC 56.11 and the Protocols; (2) LAMC 56.11 and the
21 Protocols unconstitutionally permit the immediate and unnoticed destruction of "bulky"
22 items and items that pose "immediate threat to health and safety" risks; and (3) pursuant
23 to LAMC 56.11 and the Protocols, the Individual Plaintiffs' property was
24 unconstitutionally seized and destroyed in 2019. (See FAC, Dkt. 20 at 16:15-20:11.)
25 Given this theory, the documents the City has already produced more than suffice to
26 allow Plaintiffs to assess whether to bring a PI motion. As described above, Plaintiffs
27 already have LAMC 56.11 and the Protocols (which they attach to the FAC), and the
28 City has produced over 500 pages of additional Policy-Related Documents. The City

1 has also produced over 800 pages of sanitation reports about all cleanups that occurred
2 in South Los Angeles in March 2019, as well as Incident-Specific Documents. Plaintiffs
3 offer no credible explanation for why the information in these documents is insufficient
4 to assess a possible PI motion.

5 In contrast, given that Plaintiffs' case is based on allegedly unlawful *destruction*
6 of property under LAMC 56.11, it is hard to imagine how "[a]ll COMMUNICATIONS
7 related to the use of forms...related to the *storage* of property" (Request No. 5)
8 (emphasis added), or "[a]ll statistics, reports, analysis or data compilations related to
9 the use or capacity of STORAGE FACILITIES" (Request No. 9), or the storage-related
10 documents Plaintiffs want to subpoena from third-party Chrysalis, are likely to contain
11 any information relevant to a PI motion or *Monell* liability.⁶ Similarly, given that
12 Plaintiffs' claims arise from alleged incidents occurring in 2019 and the ordinance was
13 not even in effect until 2016, it cannot be said that a request for "all DOCUMENTS
14 related to trainings conducted by or for the City employees, agents, or contractors at
15 any time since January 1, 2012" is "narrowly-tailored" to help Plaintiffs assess a
16 possible PI motion.

17 2. DOE Defendants

18 Plaintiffs' argument that the requested discovery will help them identify DOE
19 Defendants is also unfounded. **First**, the Incident-Specific Documents contain the
20 names of the City employees involved in the alleged seizures, and thus, serve to identify
21 potential DOE defendants. **Second**, it is highly unlikely that the documents Plaintiffs
22 now seek—wholly unrelated to the specific seizures or destruction alleged by
23 Plaintiffs—would help them identify any DOE Defendants.

24 _____
25 ⁶ Plaintiffs contend, without explanation, that "[e]vidence about what and how much
26 property is stored is [] directly relevant to the question of whether and to what extent
27 the City is destroying property." But it is unclear how property that the City may have
28 seized and stored in one set of circumstances sheds any light whatsoever on whether
any other property, removed from the public-right-of-way under any number of wholly
unrelated possible circumstances, was lawfully destroyed or not.

1 **Finally**, the cases Plaintiffs cite in support of their contention that early discovery
2 should be ordered to identify DOE Defendants arise from circumstances that are nothing
3 like this case. The plaintiffs in those cases were unable to identify the names or
4 geographical location of elusive defendants (whom plaintiffs could only identify by IP
5 addresses), and thus, the plaintiffs were unable to proceed with their cases until they
6 could identify at least one defendant. *See 808 Holdings LLC v. Collective of January 3,*
7 *2012 Sharing Hash*, No. CV 12-2251-CAS (EX), 2012 WL 13012725, at *10 n. 7 (C.D.
8 Cal. Oct. 1, 2012); *10 Grp. Inc. v. Does 1-19*, 2010 WL 11583153, at *1 (N.D. Cal.
9 Sept. 23, 2010).⁷ In stark contrast, here, Plaintiffs have identified the main defendant,
10 the City, and Plaintiffs' central theory of liability is the City's alleged liability based on
11 its policies and practices. The fact that Plaintiffs may wish to add employees of the
12 City as individual defendants (which, incidentally, undercuts their claim that discovery
13 is needed to establish *Monell* liability), fails to establish good cause for expedited
14 discovery, particularly since the City has already produced documents identifying the
15 employees present at alleged incidents. And there is simply no need to immediately
16 identify additional potential defendants when there is no Scheduling Order in this case,
17 and no deadline has been set for adding defendants.⁸

18 **B. Plaintiffs' Requests Are Overbroad and Unduly Burdensome.**

19 A request for expedited discovery is properly denied where, as here, the moving
20 party is seeking broad discovery that would unduly burden the responding party early
21 in litigation before the pleadings are even settled. *See Extreme Reach, Inc.*, 2017 WL
22 10544621, at *4; *Am. LegalNet, Inc.*, 673 F. Supp. 2d at 1066, 1071 (denying plaintiff's
23

24 ⁷ Moreover, counsel for the DOE defendants (whose identities were unknown) had
25 argued that the court did not have personal jurisdiction over them; the court could not
26 decide the motions without the discovery requested by the plaintiff. *See id.*

27 ⁸ Indeed, Plaintiffs concede that the City's productions to-date enabled Plaintiffs to
28 identify two Sanitation workers present at the January 10 incident alleged in the FAC.
And although the City produced those documents to Plaintiffs on November 6, 2019,
Plaintiffs have not sought to amend their complaint to add the identified individuals.

1 motion for expedited discovery where “the broad discovery that [plaintiff] seeks should
2 be pursued more properly within the structure and supervision afforded by a court-
3 approved scheduling order under Fed. R. Civ. P. 16(b)” (citation omitted); *Hall v.*
4 *Mims*, 2012 WL 1498893, at *3 (E.D. Cal. Apr. 27, 2012) (denying request for
5 expedited discovery); *Zavala*, 2019 U2019 WL 3219254, at *2.

6 Here, although Plaintiffs claim that the requests are “limited” and “relevant only
7 to [Plaintiffs’ as-applied challenges],” nothing could be further from the truth.
8 Plaintiffs’ requests, which span three full pages of this Stipulation and bear no obvious
9 relationship to the incidents Plaintiffs allege in their suit, are wildly overbroad.
10 Plaintiffs seek “*all* documents” “*all* communications,” and “*all* reports,” “that refer or
11 relate to” a wide variety of topics, *e.g.*, the storage of items seized from persons other
12 than Plaintiffs (*i.e.*, taken from other locations, at different times, under different
13 circumstances), and the “handling of property” taken in “cleanups” that are wholly
14 unrelated to the incidents asserted in the FAC. Some requests, like Request No. 5, are
15 not even limited to property taken pursuant to LAMC 56.11 but instead sweep in
16 property “taken, seized, *or otherwise obtained by the City.*” (See Request No. 5: “All
17 communications related to the use of forms used by the CITY or any of its contractors
18 or subcontractors, including Chrysalis, LAHSA, and Clean Harbors, that are related to
19 the storage of personal property taken, seized, or otherwise obtained by the City,
20 including but not limited to any email instructions or clarifications related to the use of
21 the form.”) Furthermore, most of the Requests seek documents dating well before 2019,
22 the year in which Plaintiffs’ alleged incidents occurred. In a particularly egregious
23 example of overbreadth, Request No. 3 asks for documents “related to training” that
24 were “conducted by or for City employees, agents, or contractors”, *dating back to 2012*,
25 which is *four years* before the current version of LAMC 56.11 was adopted and *seven*
26 *years* before the Plaintiffs’ property was allegedly seized and destroyed.

27 Far from being “limited” to Plaintiffs’ as-applied challenge (or relevant in any
28 obvious way to assessing a potential PI motion or identifying Doe Defendants), the

1 requests collectively encompass virtually every document and communication the City
2 may possess relating to property “obtained by the City,” whether under LAMC 56.11
3 or other authority. Indeed, Plaintiffs’ requests are so broad that they are unlikely to be
4 relevant and proportional to the needs of the case at *any* stage of the litigation. But it is
5 certainly impossible to conclude that they are necessary *now*, before the scope of the
6 case is even known.

7 It would require a monumental effort to collect and produce the vast array of
8 documents that Plaintiffs seek. To compel the City to undertake such an effort is
9 unwarranted, particularly where the relevance of the documents is questionable at best,
10 and the claims, defenses, and even parties are not yet set. *See Extreme Reach, Inc.*,
11 2017 WL 10544621, at *4 (denying plaintiff’s request for expedited discovery where
12 “the breadth of the requested discovery is significantly beyond its stated purpose” and
13 “it places a substantial burden on Defendants to respond to sweeping discovery so early
14 in the case”); *see also Am. LegalNet, Inc.*, 673 F. Supp. 2d at 1066, 1071 (C.D. Cal.
15 2009) (denying plaintiff’s motion for expedited discovery where “the broad discovery
16 that [plaintiff] seeks should be pursued more properly within the structure and
17 supervision afforded by a court-approved scheduling order under Fed. R. Civ. P. 16(b)”)
18 (citation omitted).⁹

19 For these reasons, this case stands in stark contrast to those in which the court
20 found good cause existed for expedited discovery. For example, Plaintiffs rely heavily
21 on *Semitool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal.
22 2002), a patent-infringement case brought by a manufacturer of semiconductor cleaning
23 processes. In *Semitool*, plaintiff moved for limited expedited discovery, seeking
24 “technical documents and an inspection of a PR200Z Cleaning System” from defendant,
25

26 ⁹ Certainly, a third-party should not be forced to endure the burden of such overly-
27 broad discovery. *See Calcor Space Facility v. Superior Court*, 53 Cal. App. 4th 216,
28 222 (1997) (“The concerns for avoiding undue burdens on the ‘adversary’ in the
litigation...apply with even more weight to a nonparty.”).

1 as well as third-party discovery from IBM, to determine if other of plaintiff's patents
2 were being infringed. *Id.* at 274. The Court allowed the discovery sought from
3 defendant, finding that "Plaintiff has made a clear showing that the narrow categories
4 of documents and physical inspection of the device not otherwise accessible will
5 substantially contribute to moving this case forward and facilitating compliance with
6 the Patent Local Rules." *Id.* at 277. The Court *denied* the request as to IBM because
7 "the benefits of expediting this particular [discovery] is not nearly as obvious" and "any
8 substantial incremental benefit" was outweighed by "the risk of prejudice or
9 disruption...". *Id.* at 277-78.

10 Here, Plaintiffs' requests are far from narrowly tailored. Moreover, Plaintiffs
11 have not shown that the early discovery they seek, from not only the City but an
12 unrelated third party, would substantially contribute to moving this case forward
13 without creating undue burden and causing prejudice. The request should be denied.

14 **C. A Rule 26(f) Conference Is Premature**

15 There is likewise no justification for Plaintiffs' alternative request to compel the
16 City to engage in an early Rule 26(f) conference. Plaintiffs argue that the deadline for
17 a Rule 26(f) conference has "come and gone." But this argument is based on a
18 misreading of the Federal Rules.

19 Rule 26(f) provides that "the parties must confer *as soon as practicable*—and in
20 any event at least 21 days before a scheduling conference is to be held or a scheduling
21 order is due under Rule 16(b)." Fed. R. Civ. Proc. Rule 26(f) (emphasis added).
22 Apparently displeased that the Court has not entered a Scheduling Order, and wholly
23 ignoring the rule's common-sense requirement of "practicability," Plaintiffs argue that
24 a Scheduling Order is "due" under Rule 16(b). In support, Plaintiffs selectively quote
25 only the portion of Rule 16(b) that says "the judge must issue [a Scheduling Order]
26 within the earlier of 90 days after a defendant has been served with the complaint or 60
27 days after the defendant has appeared." But this quotation omits a critical portion of
28 the rule. The full rule says that "[t]he judge must issue the scheduling order *as soon as*

1 *practicable, but unless the judge finds good cause for delay, the judge must issue it*
2 *within the earlier of 90 days after a defendant has been served with the complaint or 60*
3 *days after the defendant has appeared.” Fed. R. Civ. Proc. Rule 16(b) (emphasis added).*

4 Thus, the key concept in both Rule 26(f) and Rule 16(b) is “practicability.” As
5 the Committee Notes to Rule 16(b) instruct:

6 The time to issue the scheduling order is [] the earlier of 90 days [] after
7 any defendant has been served, or 60 days [] after any defendant has
8 appeared. This [] will reduce delay at the beginning of litigation.

9 At the same time, a new provision recognizes that the court may find
10 good cause to extend the time to issue the scheduling order. *In some*
11 *cases it may be that the parties cannot prepare adequately for a*
12 *meaningful Rule 26(f) conference and then a scheduling conference in*
13 *the time allowed...*

14 Because the time for the Rule 26(f) conference is geared to the time for
15 the scheduling conference or order, *an order extending the time for the*
16 *scheduling conference will also extend the time for the Rule 26(f)*
17 *conference.*

18 Fed. R. Civ. Proc. Rule 16(b), Committee Notes (2015 Amendment) (emphasis
19 added).

20 Plainly, it is premature and “not practicable” to hold a Rule 26 conference at
21 this early stage, when the pleadings are wholly unsettled and the parties cannot engage
22 in a meaningful discussion regarding a discovery plan, proportionality of discovery,
23 and the other topics required by Rule 26 and Local Rule 26-1. *See Zavala*, 2019 WL
24 3219254, at *2. The City has not “refused” to engage in a Rule 26(f) conference, it
25 has simply taken the eminently reasonable position that such a conference is not
26 practicable until the parties know who the plaintiffs are, what claims remain in the
27 case, and what defenses the City will assert. Plaintiffs’ request to compel a premature
28 Rule 26(f) conference should be denied.

1 **VI. CONCLUSIONS**

2 **A. Plaintiffs' Conclusion**

3 For the forgoing reasons, Plaintiffs respectfully request that the Court
4 require the City to produce the requested documents on an expedited basis. In the
5 alternative, Plaintiffs respectfully request that the Court require the parties to attend a
6 Rule 26(f) conference within two weeks.

7 **B. Defendant's Conclusion**

8 Plaintiffs have not established a genuine need for any additional early discovery
9 beyond what the City has already provided. Moreover, the broad-reaching discovery
10 Plaintiffs seek, the relevance of which is questionable at best, would impose a severe
11 burden on the City and also unnecessarily burden an unrelated third party. The
12 requested discovery also would not facilitate case management since the Court's ruling
13 on the City's pending motions to dismiss could substantially change the landscape of
14 the litigation. There is therefore no good cause for Plaintiffs' request for expedited
15 early discovery, or, alternatively, for immediate participation in a Rule 26(f)
16 conference. Defendant respectfully requests that the Plaintiffs' request for expedited
17 discovery be denied.

18
19 DATED: January 13, 2020

20
21 Respectfully submitted,

22
23 LEGAL AID FOUNDATION OF LOS ANGELES

24
25 /s/ Shayla Myers

26 By: Shayla Myers

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Local Rule 5-4.3.4 Attestation

I attest that Plaintiff's counsel, Shayla Myers and Catherine Sweetser, and Defendant's counsel, A. Patricia Ursea, concur in this filing's content and has authorized the filing.

DATED: January 15, 2020

KIRKLAND & ELLIS LLP

By: /s/ Benjamin A. Herbert
Attorneys for Ktown for All

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James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

JANET GARCIA, GLADYS
ZEPEDA, MIRIAM ZAMORA, ALI
EL-BEY, PETER DIOCSO JR,
MARQUIS ASHLEY, JAMES
HAUGABROOK, individuals,
KTOWN FOR ALL, an
unincorporated association;
ASSOCIATION FOR
RESPONSIBLE AND EQUITABLE
PUBLIC SPENDING, an
unincorporated association

Plaintiff(s),

v.

CITY OF LOS ANGELES,
a municipal entity; DOES 1 -7,

Defendants.

CASE NO.: 2:19-CV-06182-DSF-PLA

**PLAINTIFFS' NOTICE OF
MOTION FOR EXPEDITED
DISCOVERY**

DISCOVERY MATTER

Hearing: February 5, 2020
Time: 10:00 a.m.
Courtroom: 780

The Hon. Paul L. Abrams

Discovery Cut-Off: None set
Pretrial Conference: None set
Trial Date: None set

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on February 5, 2020, at 10:00 a.m., or at an
3 earlier date as may be permitted by the Court, located at 255 East Temple Street, Los
4 Angeles, CA 90012, in the courtroom of the Honorable Paul Abrams (Court Room 780),
5 Plaintiffs Janet Garcia, Gladys Jane Zepeda, Ali El-Bey, Jamie Haugabrook, Pete
6 Diocson Jr., Marquis Ashley, KTown For All, and Association for Responsible and
7 Equitable Public Spending (the "Plaintiffs") will and hereby do move the Court for an
8 Order that Plaintiffs may serve expedited document requests on Defendants and serve
9 one third-party subpoena upon Chrysalis, or in the alternative, compelling the City of
10 Los Angeles to engage in a Rule 26 conference.

11 This Motion is based on this Notice of Motion for Expedited Discovery, Joint
12 Stipulation Regarding Plaintiffs' Motion for Expedited Discovery, the Declaration of
13 Shayla Myers in Support of Plaintiffs' Motion for Expedited Discovery, the pleadings
14 and papers on file herein, and upon such other matters as may be presented to the Court
15 at the time of the hearing.

16 Pursuant to Local Rule 37-1, the parties' counsel met and conferred regarding
17 this motion on October 28, 2019, and have had significant communications thereafter,
18 but the parties have not been able to reach a resolution eliminating the need for a
19 hearing.

1 Dated: January 15, 2020

2 Respectfully submitted,

3 LEGAL AID FOUNDATION OF LOS
4 ANGELES

5 /s/ Shayla Myers

6 By: Shayla Myers

7 *Attorneys for Plaintiffs*
8 *Gladys Zepeda, Miriam Zamora,*
9 *Ali El-Bey, Pete Diocson Jr.,*
10 *Marquis Ashley, James Haugabrook, and*
11 *Ktown for All*

12 SCHONBRUN SEPLOW HARRIS &
13 HOFFMAN, LLP

14 /s/ Catherine Sweetser

15 By: Catherine Sweetser, Esq.
16 *Attorneys for Plaintiffs*

17 KIRKLAND & ELLIS LLP

18 /s/ Benjamin Allan Herbert

19 By: Benjamin Allan Herbert, Esq.
20 *Attorneys for Ktown for All.*

MICHAEL N. FEUER, City Attorney (SBN 111529)
JAMES P. CLARK, Chief Deputy City Atty (SBN 64780)
KATHLEEN A. KENEALY, Sr. Asst. City Atty (SBN 212289)
SCOTT MARCUS, Sr. Asst. City Atty (SBN 184980)
FELIX LEBRON, Deputy City Atty (SBN 232984)
A. PATRICIA URSEA, Deputy City Atty (SBN 221637)
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Attorneys for Defendant, CITY OF LOS ANGELES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

JANET GARCIA, GLADYS
ZEPEDA, MIRIAM ZAMORA, ALI
EL-BEY, PETER DIOCSO JR.,
MARQUIS ASHLEY, JAMES
HAUGABROOK, individuals,
KTOWN FOR ALL, an
unincorporated association;
ASSOCIATION FOR
RESPONSIBLE AND EQUITABLE
PUBLIC SPENDING, an
unincorporated association

Plaintiff(s),

v.

CITY OF LOS ANGELES,
a municipal entity; DOES 1 -7,

Defendants.

CASE NO.: 2:19-CV-6182-DSF-PLA

**DECLARATION OF A. PATRICIA
URSEA RE: JOINT STIPULATION
REGARDING PLAINTIFFS'
MOTION FOR EXPEDITED
DISCOVERY**

DISCOVERY MATTER

Discovery Cut-Off: None set
Pretrial Conference: None set
Trial Date: None set

DECLARATION OF A. PATRICIA URSEA

1
2 1. I am an attorney and licensed to practice law in California. I serve as a Deputy
3 City Attorney for the City of Los Angeles, in the Business & Complex Litigation Unit,
4 and I represent Defendant City of Los Angeles (“City”) in this action. I submit this
5 declaration in support of the parties joint Stipulation Regarding Plaintiffs’ Motion for
6 Expedited Discovery. I have personal knowledge of the information herein, and if
7 called upon, can and will testify competently thereto.

8
9 2. Despite the fact that no Scheduling Order has been entered, counsel for the City
10 has worked with Plaintiffs’ counsel to address Plaintiffs’ requests for early discovery.
11 Based on Plaintiffs’ requests, the City has voluntarily produced 4,085 pages of
12 documents as of the date of this declaration.

13 3. The documents produced by the City in early discovery fall into three categories,
14 which the City refers to in the Joint Stipulation as (1) “Incident-Specific Documents”;
15 (2) “March 2019 Sanitation Reports”; and (3) “Policy-Related Documents.”

16 4. “Incident-Specific Documents,” produced on November 6, 2019 (Bates No.
17 CTY000001-002212) and December 10, 2019 (Bates No. CTY002213-002677) are
18 documents the City that describe, depict, or directly relate to the incidents and seizures
19 of property alleged by the individual Plaintiffs. The City produced these documents
20 because, with the exception of Haugabrook, City’s motions to dismiss do not challenge
21 Plaintiffs’ as-applied claims. As exemplars of Incident-Specific Documents the City
22 has produced, the following attached documents are true and correct copies of
23 Incident-Specific Documents that the City believes may correspond to claims brought
24 by Plaintiff Ali El-Bey concerning an alleged cleanup that occurred on
25 January 10, 2019 on Alexandria Avenue:

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- a. **Ex. A:** Bureau of Sanitation Watershed Protection Report (excluding photographs, which were part of the production to Plaintiffs)
- b. **Ex. B:** Watch Commander Daily Report
- c. **Ex. C:** Sergeant's Daily Report
- d. **Ex. D:** Los Angeles Police Department Daily Worksheet Portrait and a Daily Field Activities Report (DFAR)
- e. **Ex. E:** Los Angeles Police Department Computer Aided Dispatch (CAD) Report

5. "March 2019 South LA Sanitation Reports" (Bates No. CTY 003240-004085) are Bureau of Sanitation Watershed Protection Reports (*see* Ex. A for exemplar) for all cleanups conducted in South LA in March 2019. The City produced these documents because it was unable to locate any incident-specific documents corresponding to Plaintiff Haugabrook's vague allegation that his belongings were seized and destroyed in "March 2019" at "Figueroa St., between 53rd St. and 52nd Place." (Dkt. 20 at 44:1-2-3; 10-11.) Thus, the City produced all reports for all cleanups in the surrounding area (South Los Angeles) so Plaintiffs can reassess Haugabrook's claim, which the City has moved to dismiss. Counsel for the City notified Plaintiffs' counsel on December 10, 2019 that it would produce these documents in a supplemental early production and the documents were produced on January 10, 2019.

6. "Policy-Related Documents" (Bates No. CTY 002678-003239) are responsive to Plaintiffs' request for "policies, procedures, directives, manuals, and special orders related to LAMC 56.11 and ENCAMPMENT CLEANUPS, including but not limited to the seizure, storage or destruction of people's belongings pursuant to LAMC 56.11." Although the probative value of such documents is not clear at this stage of the litigation, the City produced these documents in response to Plaintiffs' contention that they need such documents to establish *Monell* liability and assess a potential PI motion, and in a good-faith attempt to avoid burdening the Court and parties with unnecessary early-

1 discovery motion practice. Counsel for the City notified Plaintiffs' counsel on
2 December 23, 2019 that it would produce these documents in a supplemental early
3 production and the documents were produced on January 10, 2019. As exemplars, true
4 and correct copies of a random selection of Policy-Related Documents the City has
5 produced are attached as **Ex. F**.

6 I declare under penalty of perjury under the laws of the State of California that
7 the foregoing declaration is true and correct.

8 Executed on January 10, 2020 at Los Angeles, California.
9

10
11 By: /s/ A. Patricia Ursea

12 A. PATRICIA URSEA
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EXHIBIT I

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No.: CV 19-6182-DSF (PLA_x)

Date: January 29, 2020

Title: Janet Garcia, et al. v. City of Los Angeles, et al.

PRESENT: THE HONORABLE PAUL L. ABRAMS
UNITED STATES MAGISTRATE JUDGE

Christianna Howard
Deputy Clerk

N/A
Court Reporter / Recorder

N/A
Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF(S):
NONE

ATTORNEYS PRESENT FOR DEFENDANT(S):
NONE

PROCEEDINGS: (IN CHAMBERS) Plaintiffs' Motion for Expedited Discovery (ECF No. 29)

On January 15, 2020, the parties in this action filed a Joint Stipulation (alternatively "JS" (ECF No. 29)) in support of their positions regarding plaintiffs' Motion for Expedited Discovery ("Motion" or "Mot." (ECF No. 29-1)) seeking to (1) require defendant City of Los Angeles ("City") to respond to the "discrete set of policy and procedure-related materials identified" in the JS and to produce documents responsive to nine requests for production ("RFPs"); (2) permit plaintiffs to serve a third-party subpoena upon the storage facility used by the City to store property seized by the City (requesting production of nine categories of documents); and (3) alternatively requiring the parties to attend a Rule 26(f) conference. (Mot. at 1; JS at 8-11, 33). On January 22, 2020, plaintiffs filed their Supplemental Memorandum. (ECF No. 30). Having considered the pleadings submitted in connection with the Motion, the Court has concluded that oral argument will not be of material assistance in determining the Motion. Accordingly, the hearing scheduled for February 5, 2020, is **ordered off calendar**. See Local Rule 7-15.

By way of background, plaintiffs are homeless individuals, and organizations that work with and represent homeless individuals, who allege constitutional violations by the City against plaintiffs "in the enactment and enforcement" of Los Angeles Municipal Code section 56.11 ("LAMC 56.11"). (JS at 2). LAMC 56.11 allows the City to seize homeless peoples' belongings, and "[i]n most instances" requires that the seized belongings be stored. (Id.). However, LAMC 56.11 also permits the City to immediately destroy -- without notice and with no pre- or post-deprivation hearing -- those items it deems to be an "immediate threat to the health and safety of the public" or to be "bulky." (Id.). Plaintiffs contend that the City "throws away nearly all of the property it comes in to contact with, and in doing so, has and will continue to violate Plaintiffs' constitutional rights under the Fourth and Fourteenth Amendments." (Id.). Plaintiffs submit that the City immediately destroyed plaintiffs' seized property, and the harm they have suffered is substantial and ongoing. (Id. (citing Supp'l Compl. ¶ 21)).

Legal Standard

Rule 26(f) provides the following:

Except . . . when the court orders otherwise, the parties must confer as soon as practicable -- and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).

Fed. R. Civ. Proc. 26(f)(1). Rule 16(b) provides that the District Judge must issue a scheduling order after receiving the parties' Rule 26(f) report, or after consulting with the parties' attorneys at a scheduling conference. Fed. R. Civ. P. 26(b)(1). The scheduling order "must issue . . . as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared." Fed. R. Civ. P. 26(b)(2). Only after the parties conduct the Rule 26 conference, or with agreement of the parties or a court order, can the parties commence discovery. Fed. R. Civ. P. 26(d); Qwest Commc'ns Int'l, Inc. v. WorldQuest Networks, Inc., 213 F.R.D. 418, 419 (D. Colo. 2003); In re Countrywide Fin. Corp. Derivative Litig., 42 F. Supp. 2d 1160, 1179 (C.D. Cal. 2008); Ayyash v. Bank Al-Madina, 233 F.R.D. 325, 326 (S.D.N.Y. 2005). "However, courts may permit expedited discovery before the Rule 26(f) conference upon a showing of good cause." In re Countrywide, 542 F. Supp. 2d at 1179; Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273, 276 (N.D. Cal. Apr. 19, 2002); see also Qwest Commc'ns, 213 F.R.D. at 419 (The "party seeking expedited discovery in advance of [the] Rule 26(f) conference has the burden of showing good cause for the requested departure from usual discovery procedures."); Merrill Lynch, Pierce, Fenner & Smith v. O'Connor, 194 F.R.D. 618, 623 (N.D. Ill. May 19, 2000) ("Expedited discovery is not the norm. Plaintiff must make some *prima facie* showing of the *need* for the expedited discovery.") (emphasis in original).

"Good cause exists 'where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.'" In re Countrywide, 542 F. Supp. 2d at 1179 (quoting Semitool, Inc., 208 F.R.D. at 276). In considering whether good cause exists, factors courts may consider include: (1) whether a preliminary injunction is pending; (2) the breadth of the discovery request; (3) the purpose for requesting the expedited discovery; (4) the burden on the responding party to comply with the requests; and (5) how far in advance of the typical discovery process the request was made. Rovio Entm't Ltd. v. Royal Plush Toys, Inc., 907 F. Supp. 2d 1086, 1099 (N.D. Cal. 2012).

The Parties' Contentions

Plaintiffs' Contentions

Plaintiffs contend that a Scheduling Order in this action should have generally been issued on the earlier of November 21, 2019 (90 days after defendant was served with the Complaint), or December 20, 2019 (60 days after defendant first appeared in the action on October 21, 2019, when it filed its Motion to Dismiss). (JS at 12). They argue that because the Scheduling Order was due to be filed by November 21, 2019, the Rule 26(f) conference should have taken place, at the latest, by November 1, 2019. (Id.). Plaintiffs further contend that good cause exists for the expedited discovery because (1) they need to determine whether to seek an early injunction with respect to their Monell claim; (2) they need to ascertain Doe defendants; and (3) because the requested discovery is "directly relevant to Plaintiffs' as-applied claims, which will be subject to discovery [because defendant did not move to dismiss those claims], and will facilitate effective case management." (Id.). Plaintiffs state that the burden imposed on the City to comply with plaintiffs' discovery requests "is minimal at most," as the requested information would be produced in the normal course of discovery anyway. (Id. at 19

(citations omitted)). They submit that the only reason the Motion was made necessary “is because the City refuses to participate in a Rule 26(f) conference,” and that any “possible prejudice to the City could be eliminated by simply agreeing to participate in the long-overdue Rule 26(f) conference.” (*Id.*). Plaintiffs propounded the discovery requests on October 16, 2019, and assert that “the City has had ample time to review and begin identifying documents responsive to the requests.” (*Id.* at 20). Additionally, they argue that the issuance of the third-party subpoena would not impact, “let alone prejudice, the City in any way.” (*Id.*). In any event, plaintiffs contend that any burden to defendant is outweighed by plaintiffs’ need to discover evidence to support their possible preliminary injunction motion and to identify Doe defendants. (*Id.*). They also note that they “continue to lose critical belongings as a result of the City’s ongoing enforcement” of LAMC 56.11. (*Id.*).

Plaintiffs report that in light of the City’s “ongoing violations,” they repeatedly requested that the City participate in a Rule 26(f) conference and allow the parties to initiate discovery. (*Id.* at 3 (citing Myers Decl. ¶¶ 7, 9, 10, 11)). They assert that when they made the request, the Complaint had already been “pending for months,” and the City had “already disclosed that it would not move to dismiss the individual plaintiffs’ as-applied constitutional claims.” (*Id.* (citing Myers Decl. ¶ 4)). Plaintiffs believe, therefore, that a Rule 26(f) conference is practicable, as contemplated under the Rules and, as an alternative, on October 16, 2019, asked the City to consent to early discovery” so that plaintiffs could “obtain evidence of the City’s widespread practices and implementation of its policies to determine whether to seek an early injunction.” (*Id.* (citing Myers Decl. ¶ 11)). Plaintiffs acknowledge that although the City refused to participate in a Rule 26(f) conference, or commence expedited discovery, the City “has been willing to provide a small amount of documents relating to portions of the individual incidences [sic] alleged in Plaintiffs’ as-applied claims, although even here, the City’s production has been deficient.” (*Id.* at 3-4 (citing Myers Decl. ¶¶ 14, 15)). Plaintiffs also acknowledge that the City agreed to produce “its policies, procedures, directives, manuals, and special orders related to LAMC 56.11.” (*Id.* (citing Myers Decl. ¶¶ 19, 22)). Plaintiffs, however, state this is “not enough” because they “not only need documents and information relevant to the specific incidents identified in their complaint, but they must be able to show that those incidents were part of a widespread formal or informal policy, practice, or custom of the City,” pursuant to *Monell v. Dep’t of Soc. Servs. of City of N.Y.*, 436 U.S. 658, 659 (1978). Although plaintiffs offered to “narrow the early discovery requests as a compromise . . . [t]he City did not engage.” (*Id.* at 4 (citing Myers Decl. ¶ 14)). Plaintiffs submit that the early limited discovery they are seeking “is appropriate for multiple independent reasons,” *i.e.*, the deadline for the City to participate in the Rule 26(f) conference has come and gone; plaintiffs need the discovery to assess whether to file a preliminary injunction; plaintiffs need to identify the Doe defendants; and the discovery is “relevant to the underlying claims and will facilitate effective case management.” (*Id.*).

Defendant’s Contentions

Defendant responds that there is no good cause for plaintiffs’ request for expedited discovery as no urgency exists; there has been no undue delay in discovery or in engaging in a Rule 26(f) conference; and plaintiffs have failed to meet their burden to show that “the need for expedited discovery, in consideration of justice, outweighs the prejudice to the responding party.” (*Id.* at 4-6 (citations omitted)). It asserts that none of plaintiffs’ claims for seeking expedited discovery has any merit. (*Id.*). Defendant further notes that the District Judge has not yet issued a Scheduling Order or ruled on the City’s two motions to dismiss, “which could dramatically change the landscape of the litigation,” because if the motions are granted, “it would result in the dismissal of five (out of seven) of Plaintiffs’ claims (leaving only the as-applied claims), one individual Plaintiff (Haugabrook), and both of the organizational Plaintiffs.” (*Id.* at 5 (citing ECF Nos. 21, 22, 28)). Defendant also states that “far from ‘refusing’ to engage in early discovery, the City has been working with Plaintiffs to respond to reasonable requests for such discovery and has voluntarily produced over 4,000 pages of documents . . . fall[ing] into three categories: (1) ‘Incident-Specific Documents’; (2) ‘March 2019 Sanitation Reports’; and (3) ‘Policy-Related

Documents.” (Id. at 5 (citing Ursea Decl. ¶ 2)).

Defendant specifically notes that LAMC 56.11 has been in effect for over three years, plaintiffs filed their Complaint over six months ago, plaintiffs have not filed a motion for a preliminary injunction, and the City has voluntarily produced over 4,000 documents related to its policies and practices. (Id. at 22). It argues that a party seeking to obtain expedited discovery in support of a *contemplated* preliminary injunction motion “must narrowly tailor its expedited discovery requests to information to preserve the status quo and demonstrate the reasonableness of the request.” (Id. (citing *Am. LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1068 (C.D. Cal. Nov. 25, 2009))). Defendant contends that plaintiffs fail to explain “why the 4,000+ pages of documents the City has already produced does not suffice” to assess their preliminary injunction motion and identify Doe defendants, or “assist them in achieving their stated objectives or advance the litigation in any meaningful way.” (Id.). Defendant further notes that because plaintiffs’ allegations are based on the unlawful destruction of property under LAMC 56.11, “it is hard to imagine how ‘[a]ll COMMUNICATIONS related to the use of forms . . . related to the *storage* of property’ . . . or ‘[a]ll statistics, reports, analysis or data compilations related to the use or capacity of STORAGE FACILITIES’ or the storage-related documents Plaintiffs want to subpoena from third-party Chrysalis, are likely to contain any information relevant to a [preliminary injunction] motion or *Monell* liability.” (Id. at 24 (citations omitted)). Indeed, defendant argues that the Incident-Specific Documents they have produced thus far contain the names of City employees involved in the alleged seizures and serve to identify potential Doe defendants, but note that plaintiffs have failed to seek to amend their operative Complaint to add the two individuals whom plaintiffs concede were identified in defendant’s document production. (Id. at 25 & n.8). Defendant points out that “there is simply no need to immediately identify additional potential defendants when there is no Scheduling Order in this case, and no deadline has been set for adding defendants.” (Id.).

Defendant also disputes plaintiffs’ claim that the requests are “limited” and “relevant only to” plaintiffs’ as-applied challenges, and asserts that the requests are “wildly overbroad” and seek “all” documents, communications, and reports that refer or relate to a “wide variety of topics” wholly unrelated to the incidents asserted in the Supplemental First Amended Complaint, or even to property taken pursuant to LAMC 56.11; seek documents dating back to 2012 -- four years before the current version of LAMC 56.11 was even adopted and seven years before plaintiffs’ property was allegedly seized and destroyed; it would require a “monumental effort to collect and produce the vast array of documents” sought by plaintiffs, especially when the “relevance of the documents is questionable at best, and the claims, defenses, and even the parties are not yet set”; and that any substantial incremental benefit gained by expediting this discovery is outweighed by the risk of prejudice or disruption. (Id. at 26-27 (citations omitted)). Finally, defendant submits that there is no justification to compel defendant to engage in an early Rule 26(f) conference because it is premature and not practicable to hold a Rule 26(f) conference at this stage, “when the pleadings are wholly unsettled and the parties cannot engage in a meaningful discussion regarding a discovery plan, proportionality of discovery, and the other topics required by Rule 26 and Local Rule 26-1.” (Id. at 29 (citing *Zavala v. Kruse-Western, Inc.*, 2019 WL 3219254, at *2 (E.D. Cal. July 17, 2019))).

Analysis

Having reviewed the parties’ positions, the subject discovery requests, and the current posture of the case, the Court finds that plaintiffs have not demonstrated good cause to conduct the expedited discovery that they seek. Unlike those cases in which expedited discovery was authorized in anticipation of a preliminary injunction hearing, e.g., *Quia Corp. v. Mattel*, 2010 WL 2179149 (N.D. Cal. 2010), or for the plaintiff to ascertain the identify of Doe defendants, e.g., *Wride v. Fresno Cty.*, 2011 WL 4954159, at *1 (E.D. Cal. 2011) (permitting incarcerated plaintiff to conduct limited discovery in order to identify Doe defendant officers), the document

requests and the categories of documents sought in the third-party subpoena (collectively “subject requests”) do not clearly serve any purpose other than those traditionally anticipated during the normal course of litigation. See also Advisory Committee Notes to the 1993 amendments to Rule 26(d) (noting that discovery before the Rule 26(f) conference “will be appropriate in some cases, such as those involving requests for a preliminary injunction or motions challenging personal jurisdiction.”).

Here, plaintiffs specifically argued in the JS that the requested discovery is “directly relevant to Plaintiffs’ as-applied claims, which will be subject to discovery [because defendant did not move to dismiss those claims], and will facilitate effective case management.” (JS at 12). While there is no doubt that at least some of the subject requests are relevant to the merits of plaintiffs’ “as-applied” claims (see JS at 8-11), plaintiffs have not established any urgency to commence discovery on those claims or any other issues. Additionally, the Court agrees with defendant that the requests as written are also overbroad and not narrowly tailored for the purposes stated by plaintiffs (to assess whether to file a preliminary injunction motion and to determine additional Doe defendants). Indeed, plaintiffs themselves suggested to defendant that they would be willing to narrow the requests for purposes of the early discovery. Finally, notwithstanding its objections to the requests, defendant has produced a substantial number of documents it contends include “Incident-Specific” documents and “Policy-Related” documents. (JS at 8). Because plaintiffs have not demonstrated good cause to conduct early discovery, the Court rejects plaintiffs’ Motion for expedited discovery.

Plaintiffs also have not shown good cause to hold the Rule 26(f) conference prior to the District Judge’s ruling on defendant’s motions to dismiss. See Zavala, 2019 WL 3219254, at *2 (citing Johnson v. United Cont’l Holdings, Inc., 2014 WL 12823346, at *1 (N.D. Cal. June 16, 2014) (denying motion to compel Rule 26(f) conference where the plaintiffs failed to show why the conference should be conducted before the scheduling conference)). Defendant’s motions to dismiss are still pending and, as in Zavala, those motions challenge the sufficiency of the Supplemental First Amended Complaint and may result in changes to the operative pleading. Id. (noting that plaintiff was not seeking expedited discovery but, “in an interesting departure,” sought to compel defendants to participate in a Rule 26(f) conference after which plaintiff would proceed to commence discovery, in advance of the pleadings being settled and without showing “good cause” under Rule 26(d)). Until the motions to dismiss in this action are resolved, the actual claims and defenses at issue (other than the “as-applied” claims that were not included in the motions to dismiss) are not certain. Again, plaintiffs have not demonstrated good cause to conduct expedited discovery as to plaintiffs’ as-applied claims or for any other reason.

For these reasons, the Court also rejects plaintiffs’ alternative request to compel the parties to attend a Rule 26(f) conference at this time, particularly when the District Judge has yet to rule on defendant’s motions to dismiss, or to issue a Scheduling Order.

Plaintiffs’ Motion for expedited discovery (ECF No. 29), or in the alternative to compel the parties to conduct a Rule 26(f) conference, is **denied**.

IT IS SO ORDERED.

cc: Counsel of Record

Initials of Deputy Clerk _____ ch

EXHIBIT J

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, et al.,
Plaintiffs,

v.

CITY OF LOS ANGELES, et al.,
Defendants.

CV 19-06182-DSF-PLA

Order GRANTING in part and
DENYING in part Defendant's
Motion to Dismiss for Failure to
State a Claim (Dkt. 22)

Defendant City of Los Angeles moves to dismiss the First, Third, Fourth, Sixth, and Seventh Causes of Action of the Supplemental Complaint to the First Amended Complaint (Suppl. FAC). Dkt. 22 (Mot.).¹ Plaintiffs Janet Garcia, Gladys Zepeda, Miriam Zamora, Ali El-Bey, Peter Diocson Jr., Marquis Ashley, James Haugabrook, Ktown for All (KFA), and Association for Responsible and Equitable Public Spending (AREPS) oppose. Dkt. 25 (Opp'n).

I. FACTUAL BACKGROUND

A. The Challenged Ordinance

In 2016, the Los Angeles City Council amended Los Angeles Municipal Code (LAMC) § 56.11 (the Ordinance).² Dkt. 20 (Suppl.

¹ The City's motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) is addressed in a separate order.

² The City requests judicial notice of the Ordinance. Dkt. 23 (RJN), Ex. 1. Federal Rule of Evidence 201 permits a Court to take judicial notice of a "fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and

FAC). The Ordinance regulates the storage of personal property in public areas. Its stated purpose is to “balance the needs of the residents and public at large to access clean and sanitary public areas . . . with the needs of the individuals, who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas.” LAMC § 56.11(1). In most situations, the City is authorized to impound personal property in a public area so long as the City provides pre-removal and post-removal notice. See, e.g., LAMC § 56.11(3)(a)-(b). In other situations, including where the property obstructs City operations or interferes with the City’s compliance with the Americans with Disabilities Act of 1990 (ADA), only post-removal notice is required to impound personal property. See, e.g., id. § 56.11(3)(c)-(f). There are also limited situations where the City can immediately destroy personal property without notice, including if the property “poses an immediate threat to the health or safety of the public,” id. § 56.11(3)(g), “constitutes evidence of a crime or contraband,” id. §56.11(3)(h), or is a “Bulky Item” that is not “designed to be used as a shelter,” id. §56.11(3)(i) (Bulky Item Provision). A Bulky Item is “any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch, or wheelchair, that is too large to fit into a 60-gallon container with the lid closed,” but not “a container with a volume of no more than 60 gallons used by an individual to hold his or her Personal Property.” Id. § 56.11(2)(c).

To enforce the Ordinance, the City, through the Bureau of Sanitation (Sanitation) and the Los Angeles Police Department (LAPD), conducts noticed cleanups and random rapid responses where personal property that does not comply with the Ordinance is seized or destroyed. Suppl. FAC ¶¶ 21, 69.

readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Municipal ordinances are proper subjects for judicial notice. See Tollis Inc. v. County of San Diego, 505 F.3d 935, 938 n.1 (9th Cir. 2007). The Court grants the City’s unopposed request for judicial notice of the Ordinance.

The City also adopted the Los Angeles Municipal Code 56.11 Standard Operating Protocols regarding the implementation and enforcement of the Ordinance.³ The Protocols contain detailed instructions on how Sanitation and LAPD should enforce the Ordinance. For example, Procedure 7 explains that items are “health hazards” if “there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed persons.” RJN, Ex. 2 at 29.

B. Enforcement of the Ordinance Against Individual Plaintiffs

1. Garcia

On or about January 29, 2019, without any prior notice, a Sanitation crew seized and destroyed Garcia’s tent and all of her belongings, including a vacuum and other cleaning supplies she uses for her work as a domestic cleaner, while she had momentarily left to use the bathroom. Suppl. FAC ¶¶ 24, 125-132. On April 29, 2019, as part of a noticed cleanup, another Sanitation crew seized Garcia’s belongings while she was watching her neighbors’ property. *Id.* ¶¶ 24, 133. On August 14, 2019, Sanitation workers again seized and destroyed all of her belongings when she left them to go to work, even though she had attempted to move them out of the noticed cleanup area before leaving for work. *Id.* ¶¶ 25, 134-145.

2. Zepeda and Zamora

On March 21, 2019, without notice, Sanitation workers seized and destroyed all of Zepeda’s and Zamora’s belongings that could not fit into a single 60-gallon trash bag, including a new tent, tarps, clean clothing, and a chest containing important documents. *Id.* ¶¶ 28, 155-165. Shortly thereafter, KFA provided Zepeda and Zamora with a new tent. *Id.* ¶ 166. On or about June 11, 2019, Sanitation again destroyed

³ The Court grants the City’s unopposed request for judicial notice of the Protocols. RJN, Ex. 2.

Zepeda's and Zamora's tent, along with the belongings inside of the tent. Id. ¶ 168.

3. El-Bey

On January 10, 2019, without notice, Sanitation and LAPD gave El-Bey 10 minutes to pack up his belongings and move. Id. ¶¶ 30, 173-77. When El-Bey required additional time to collect his belongings, one of the LAPD officers threatened him with arrest. Id. ¶ 179. The rest of his belongings, including his ID, medications, and a tent, were destroyed. Id. ¶¶ 30, 178-82. On June 4, 2019, Sanitation workers destroyed his belongings, including his medication, while El-Bey had left to do laundry. Id. ¶¶ 183-87. El-Bey was told that his belongings needed to be destroyed for "safety reasons." Id. ¶ 185.

4. Haugabrook

On or about March 2019, without any notice, Sanitation gave Haugabrook 15 minutes to pack up his belongings and move. Id. ¶¶ 193-95. Sanitation then destroyed Haugabrook's backpack and its contents, including medication and other important items. Id. ¶¶ 32, 196. On another occasion, Sanitation took Haugabrook's chairs as part of a Bulky Item pickup. Id. ¶¶ 32, 197-98. On a third occasion, City workers destroyed his tent and other items while he was gone for a short period of time. Id. ¶ 201.

5. Diocson

On April 24, 2019, LAPD and Sanitation, pursuant to a noticed cleanup, seized and destroyed as a Bulky Item Diocson's dog kennel, where his dog slept at night. Id. ¶¶ 34-35, 209-214.

6. Ashley

On or about May 21, 2019, as part of a noticed cleanup, Sanitation seized and destroyed as Bulky Items two carts that Ashley used to move his belongings. Id. ¶¶ 37, 218-226.

II. LEGAL STANDARD

Rule 12(b)(6) allows an attack on the pleadings for failure to state a claim on which relief can be granted. “[W]hen ruling on a defendant’s motion to dismiss, a judge must accept as true all of the factual allegations contained in the complaint.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam). However, a court is “not bound to accept as true a legal conclusion couched as a factual allegation.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)). “Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” Id. (quoting Twombly, 550 U.S. at 557) (alteration in original) (citation omitted). A complaint must “state a claim to relief that is plausible on its face.” Twombly, 550 U.S. at 570. This means that the complaint must plead “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at 678. There must be “sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively . . . and factual allegations that are taken as true must plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing party to be subjected to the expense of discovery and continued litigation.” Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011).

Ruling on a motion to dismiss will be “a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. But where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not ‘show[n]’—that the pleader is entitled to relief.” Iqbal, 556 U.S. at 679 (alteration in original) (citation omitted) (quoting Fed. R. Civ. P. 8(a)(2)).

As a general rule, leave to amend a complaint that has been dismissed should be freely granted. Fed. R. Civ. P. 15(a). However, leave to amend may be denied when “the court determines that the allegation of other facts consistent with the challenged pleading could

not possibly cure the deficiency.” Schreiber Distrib. Co. v. Serv-Well Furniture Co., 806 F.2d 1393, 1401 (9th Cir. 1986).

III. DISCUSSION

A. Facial Challenges

1. Illegal Seizure (First Cause of Action)

Plaintiffs allege that the subsection of the Ordinance permitting the seizure and immediate destruction of Bulky Items, without a warrant or pursuant to a warrant exception, is an unreasonable seizure in violation of the Fourth Amendment and the California Constitution.⁴ Suppl. FAC ¶¶ 231-32. To adequately plead a facial challenge, Plaintiffs must allege sufficient facts to show that the Bulky Item Provision is unconstitutional in all “applications of the statute in which it actually authorizes or prohibits conduct.” City of Los Angeles, Calif. v. Patel, 135 S. Ct. 2443, 2451 (2015); see also Morrison v. Peterson, 809 F.3d 1059, 1064 (9th Cir. 2015) (“[W]hen assessing whether a statute” is unconstitutional in all of its applications, “courts consider only applications of the statute in which it actually authorizes or prohibits conduct.”); Isaacson v. Horne, 716 F.3d 1213, 1230 (9th Cir. 2013) (facial challenge is one that challenges “all the situations in which [that statute] would actually be determinative”).⁵

⁴ Except where “the United States Supreme Court had not yet decided the parallel question under the Fourth Amendment,” or where the Supreme Court “later spoke to the question and reached a contrary conclusion,” California law “ordinarily resolve[s] questions about the legality of searches and seizures by construing the Fourth Amendment and article I, section 13 in tandem.” People v. Buza, 4 Cal. 5th 658, 686 (2018). Therefore, the Court analyzes Plaintiff’s challenge under Fourth Amendment law.

⁵ The City cites to Lanier v. City of Woodburn, 518 F.3d 1147 (9th Cir. 2008), which held that a city policy requiring prospective employees to pass a drug test was not invalid on its face. Id. at 1150. The court based its decision on the fact that the plaintiff made no “serious argument” that no set of circumstances existed under which the policy would be valid, and suggested “no concrete reason why [the city’s] policy could not constitutionally be

“A seizure conducted without a warrant is per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well delineated exceptions. The burden is on the Government to persuade the district court that a seizure comes under one of a few specifically established exceptions to the warrant requirement.” Miranda v. City of Cornelius, 429 F.3d 858, 862 (9th Cir. 2005). The City does not assert that any of the specifically established exceptions applies.⁶ Rather, it asserts that “[t]he ‘ultimate standard’ is ‘reasonableness,’” Mot. at 8 (citing Lavan v. City of Los Angeles, 693 F.3d 1022, 1031 (9th Cir. 2012)), and that “reasonableness here cannot be determined in a vacuum,” id. at 9. The City argues that because the “weight” of an individual’s property interest depends on the character of the property at issue, see id., and the countervailing interests of the public are “both significant and varied,” id. at 10, “Plaintiffs cannot show that in all circumstances, an individual’s right to keep Bulky Items in public places will outweigh any conceivable countervailing interests in using that space,” id. at 11. Therefore, a facial challenge must fail because of the “numerous possible applications of the Bulky Item provision.” Id. at 8; see also id. at 11 (“[T]here is little that can be said about the nature of ‘Bulky Items’ in the abstract.”).

The City compares the Bulky Item Provision to the statute in Sibron v. New York, 392 U.S. 40 (1968), which involved a facial challenge to a statute that permitted a police officer to “stop-and-frisk” any person “whom he reasonably suspects is committing, has

applied to jobs that, for example, require the operation of dangerous equipment.” Id. The same cannot be said for Plaintiffs’ challenge to the Bulky Item Provision.

⁶ The Court agrees with the City that the “probable cause” exception is not relevant here. Opp’n at 8 n.8; see also Miranda, 429 F.3d at 863 (“The standard of probable cause is peculiarly related to criminal investigations, not routine, non-criminal procedures. The probable-cause approach is unhelpful when analysis centers upon the reasonableness of routine administrative caretaking functions” (quoting S. Dakota v. Opperman, 428 U.S. 364, 371 n.5 (1976))).

committed or is about to commit a felony” Id. at 43. The Supreme Court noted that this statute was “susceptible of a wide variety of interpretations,” such as “whether the power to ‘stop’ granted by the statute entails a power to ‘detain’ for investigation or interrogation upon less than probable cause, or if so what sort of durational limitations upon such detention are contemplated.” Id. at 60 & n.20. The Supreme Court declined to consider the facial challenge because it viewed it as an “unproductive exercise of laying the extraordinarily elastic categories of [the statute] next to the categories of the Fourth Amendment in an effort to determine whether the two are in some sense compatible.” Id. at 59; see also Patel, 135 S. Ct. at 2450 (“[C]laims for facial relief under the Fourth Amendment are unlikely to succeed when there is substantial ambiguity as to what conduct a statute authorizes.”). The City contrasts the “extraordinarily elastic categories” it asserts are covered by the Bulky Item Provision with the challenged ordinance in Patel, which it asserts was “narrow” in that it only “permitted warrantless searches of hotel guest records” and the competing interests at issue were “identifiable and unvaried.” Mot. at 9. But the Ordinance here is more similar to the ordinance in Patel than the statute in Sibron.

The Bulky Item Provision permits warrantless seizures of items larger than a specific volume that are stored in public areas.⁷ Unlike in

⁷ The City claims that “by its express terms, [the Ordinance] applies to *all* items left by *any* person on sidewalks and other public spaces. Mot. at 2; see also id. at 4 (“[T]he Ordinance is now, and has always been, a law of general application.”). However, this declaration conflicts with the stated purpose of the Ordinance: to “balance the needs of the residents and public at large” with “the needs of the individuals, who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas.” LAMC § 56.11(1). Specifically, this provision acknowledges that the “City’s large and vulnerable homeless population need access to a manageable amount of essential property for their personal use and well-being.” Id. At the hearing, the City argued that the first section of the Ordinance was merely a “preamble” acknowledging the increased use of public areas by homeless people, and therefore it did not limit the application

Sibron where the statute authorized conduct based on what a police officer “reasonably suspects,” the Bulky Item Provision authorizes conduct based on an objectively verifiable fact—an item’s volume. That many different items may fall into the category of items having the stated volume, such as a dog kennel, a chair, or a homemade cart, does not mean that the category itself is elastic. For example, if instead of authorizing seizures based on reasonable suspicion, the statute in Sibron permitted police officers to stop and frisk people who weighed 300 or more pounds, it could not be said that the categories of conduct authorized are extraordinarily elastic because some people fitting into that category may be 7-foot tall basketball players while others may be 5-foot tall sumo wrestlers. Rather, the statute authorizes conduct based on a rigid category of characteristics: a person’s weight. The same is true here.

Plaintiffs assert that the only conduct the Bulky Item Provision “actually authorizes” is a warrantless seizure of property based solely on its size. Opp’n at 7. Bulky Items that are abandoned, illegally dumped, or a threat to public health and safety can be seized or destroyed based on other statutes or ordinances not challenged here. Id.; see also Patel, 135 S. Ct. at 2451 (“If exigency or a warrant justifies an officer’s search, the subject of the search must permit it to proceed irrespective of whether it is authorized by statute. Statutes authorizing warrantless searches also do no work where the subject of a search has consented.”).⁸ The City’s example of a ladder left unattended on a sidewalk illustrates this point. The City states it may be reasonable to remove the ladder “[i]f the sidewalk is narrow with high pedestrian use” or “[i]f the sidewalk abuts a school and the ladder

of the Ordinance. However, the paragraph titled “Declaration of Legislative Intent – Purpose” is not merely a preamble; it is section one of the Ordinance.

⁸ At the hearing, the City represented that the Ordinance was the City’s only mechanism to clean up public rights of way. Although a doubtful proposition, to the extent it is true, it still fails to address the fact that most of the Ordinance remains unchallenged and therefore permits the City to seize Bulky Items in a number of reasonable circumstances.

may be an attractive nuisance to children on their way home” or “[i]f the owner refuses to move a ladder that is likely to obstruct free passage by pedestrians.” Mot. at 12. This may be true, but the City would not need to rely on the Bulky Item Provision to remove the ladder. In other sections of the Ordinance, the City is permitted to remove any unattended property, LAMC § 56.11(3)(a), property that obstructs City operations, *id.* § 56.11(3)(c), property that “does not allow for passage as required by the” ADA, *id.* § 56.11(3)(d), property that is “within ten feet of any operation and utilizable entrance, exit, driveway or loading dock,” *id.* § 56.11(3)(e), or property that “constitutes an immediate threat to the health or safety of the public,” *id.* § 56.11(3)(g). One of these sections, or other valid laws or ordinances (e.g. laws prohibiting illegal dumping) would apply to each of the scenarios described by the City. The same is true for the example the City gave at the hearing. If there were Bulky Items blocking an area where pedestrians usually congregate to wait for a bus, causing them to stand in the street instead, the City could rely, for example, on LAMC Section 56.11(3)(c) to “temporarily move Personal Property” or “impound Personal Property” that “is obstructing City operations in a Public Area.”

The only “work” the Bulky Item Provision does is to permit seizures of items of a certain size where there is no other valid reason to remove them.⁹ In the City’s example, the ladder or other Bulky Items can be removed, not because they are too large to fit in a 60-

⁹ The City argues that “an item too large to fit into a 60-gallon container carries a greater potential to impede other legitimate uses of sidewalks” and “there is a greater public interest in the removal of Bulky Items from the public right of way than smaller items.” Mot. at 11. The City also argues that Bulky Items are not “necessities,” tents, bicycles, wheelchairs, walkers, or crutches. These would be stored, rather than destroyed, if found to be violating another Ordinance provision. *Id.* Regardless of whether these assertions are true, a seizure is not reasonable merely because items like it have a “greater potential” to interfere with the rights of others or are less likely to be “important.”

gallon bag, but because they interfere with “unimpeded movement” of pedestrians or could otherwise be dangerous. The same is true for the alleged trash piles caused by illegal dumping. See Mot. at 3.

For similar reasons, the immediate destruction of Bulky Items is unreasonable on its face. See Lavan, 693 F.3d at 1030 (“[E]ven if the seizure of the property would have been deemed reasonable had the City held it for return to its owner instead of immediately destroying it, the City’s destruction of the property rendered the seizure unreasonable.”). The City argues that the immediate destruction of Bulky Items may be necessary if the property cannot be “safely stored.” Mot. at 12. At the hearing, the City gave the example of a wood pallet infected by dry rot. But another provision of the Ordinance allows the destruction of items that are a risk to public health and safety. The City also asserts that it “does not have the space to store all Bulky Items it removes from public places,” and therefore it must be permitted to destroy them. Id. at 11. But the City’s lack of storage does not make the immediate destruction of personal property reasonable.¹⁰

Plaintiffs also argue that LAMC § 56.11(10)(d), which makes it unlawful for any person to “willfully resist, delay or obstruct a City

¹⁰ The City also notes that “not all Bulky Items left in public are someone’s property,” and that it is sometimes difficult for the City to determine whether certain property is abandoned. Mot. at 12 n.9. To the extent the City has difficulty determining whether items left in public areas are abandoned (and therefore entitled to no protections) or merely unattended (which would require pre- and post-removal notice, LAMC § 56.11(3)(a)), it is not clear why this is relevant to the analysis here. The Bulky Item Provision applies to personal property whether attended or unattended. As it currently stands, therefore, no determination of ownership need be made before the City removes and destroys Bulky Items. The City’s example of an ordinance that authorizes the seizure of items left on tables in airports, Reply at 5 n.3, also addresses the issue of whether food left on tables is abandoned or unattended, not whether food can be thrown away, regardless of any ownership determination, merely because it was “too much” food.

employee from removing or discarding a Bulky Item,” is unconstitutional because it prohibits an individual from interfering with unconstitutional seizures pursuant to the Bulky Item Provision. Suppl. FAC ¶ 233. The City conceded at the hearing that LAMC § 56.11(10)(d) is facially unconstitutional if the Bulky Item Provision is facially unconstitutional. See also Mot. at 13 n.10.

Plaintiffs have sufficiently alleged a facial challenge to the Ordinance as violating the Fourth Amendment’s (and the California Constitution’s) prohibition on illegal seizures. The Court declines to dismiss the First Cause of Action.

2. Due Process (Fourth Cause of Action)

Plaintiffs claim the seizure or destruction of “Bulky Items” without pre- or post-seizure notice or an opportunity to be heard violates the Fourteenth Amendment, the California Constitution, and 42 U.S.C. § 1983.¹¹ Suppl. FAC ¶ 251. The City argues that Plaintiffs “must show the Bulky Item provision can *never* be enforced without violating due process.” Mot. at 13-14.

To allege a violation of due process, Plaintiffs must allege that “the asserted individual interests are encompassed within the Fourteenth Amendment’s protection of ‘life, liberty or property’” and that the procedures provided do not “constitute ‘due process of law.’” See Lavan, 693 F.3d at 1031. There now can be no dispute that all persons have a protected property interest in personal property stored in public areas. See id. at 1031-32. The City instead argues that it

¹¹ “The language of Article I § 7 of the California Constitution is virtually identical to the Due Process Clause of the United States Constitution, with the caveat that California courts place a higher significance on the dignitary interest inherent in providing proper procedure.” Nozzi v. Hous. Auth. of City of Los Angeles, 806 F.3d 1178, 1190 n.15 (9th Cir. 2015) (internal quotation marks and citations omitted), as amended on denial of reh’g and reh’g en banc (Jan. 29, 2016). Therefore, the Court will address Plaintiffs’ federal and state due process claims together, as it is unnecessary to take the additional factor into account here.

cannot be determined on a facial challenge what process is due because “the requirements imposed by the due process clause are flexible and variable dependent upon the particular situation being examined.” Mot. at 14.¹² However, the Bulky Item Provision “fail[s] utterly to provide any meaningful opportunity to be heard before or after [the City] seize[s] and destroy[s] property belonging to [Los Angeles’s] homeless population.” See Lavan, 693 F.3d at 1033.¹³ Plaintiffs cite to

¹² The City argues that the “administrative burdens” of providing notice must be considered, including that “it is not always readily ascertainable whether [items] belong to someone or not” and the City cannot be required to “search for possible owners of every couch, file cabinet, refrigerator, or car part they encounter in a public space.” Mot. at 15-16. However, the City already provides notice for nearly all other types of personal property covered by the Ordinance, including unattended property. See id. at 1 (“In most instances, LASAN must provide written notice before and/or after removing items”); LAMC § 56.11(3)(a) (unattended personal property can be impounded with both pre- and post-removal notice). “The fact that [the City] has undertaken to provide a hearing in some circumstances suggests that it is neither unduly burdensome nor unduly costly to do so.” Stypmann v. City & Cty. of San Francisco, 557 F.2d 1338, 1343 (9th Cir. 1977).

¹³ The City argues that even though the Bulky Item Provision does not require prior notice, there are times where “pre-removal notice was provided.” Mot. at 16. In those circumstances, the City argues, “it may be reasonable to dispose of a Bulky Item without providing individualized notice.” Id. Without deciding whether that is true, in determining whether the Ordinance is facially valid, the Court must consider only the process provided by the Ordinance. See Coe v. Armour Fertilizer Works, 237 U.S. 413, 424-25 (1915) (“It is not enough that the owners may by chance have notice, or that they may as a matter of favor have a hearing. The law must require notice to them, and give them the right to a hearing and an opportunity to be heard.” (quoting Stuart v. Palmer, 74 N.Y. 183, 188 (1878))); HVT, Inc. v. Port Auth. of New York & New Jersey, No. 15 CIV 5867 (MKB) (VMS), 2018 WL 3134414, at *14 (E.D.N.Y. Feb. 15, 2018), report and recommendation adopted, No. 15 CV 5867 (MKB) (VMS), 2018 WL 1409821 (E.D.N.Y. Mar. 21, 2018) (“[E]ven the fact that Defendant may have had internal memoranda outlining impoundment protocols which could be construed to provide Plaintiff with an opportunity for a hearing still falls

a number of cases that upheld facial challenges where no process was provided at all. Opp'n at 12-13. Moreover, the circumstances under which permanent deprivation or destruction of property is permissible without notice or an opportunity to be heard are substantially more limited. See Clement v. City of Glendale, 518 F.3d 1090, 1093-94 (9th Cir. 2008) (“[T]he default rule is advance notice,” although there are “exceptions to this general rule” including “in an emergency, [] or if notice would defeat the entire point of the seizure, [] or when the interest at stake is small relative to the burden that giving notice would impose.”); see also Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663, 679 (1974) (“[D]ue process is not denied when postponement of notice and hearing is necessary to protect the public from contaminated food, from a bank failure, or from misbranded drugs, or to aid the collection of taxes, or the war effort” (internal citations omitted)). And even in those circumstances, “a principal rationale has been that a hearing would be provided before the taking became final.” Arnett v. Kennedy, 416 U.S. 134, 178 (1974).

For example, in N. Am. Cold Storage Co. v. City of Chicago, 211 U.S. 306 (1908), cited by the City, the Supreme Court found that notice and a hearing were not required before “destruction of unwholesome food which is unfit for human consumption.” Id. at 320. Here Bulky Items that are an immediate threat to health and safety can be destroyed under another provision of the Ordinance and therefore the Court does not consider that circumstance in deciding whether the Bulky Item Provision provides sufficient procedural protections on its face. A similar issue was addressed by the California Supreme Court in Kash. Analyzing federal law, the Court considered an ordinance

short of providing constitutionally required due process” (footnotes omitted)); Kash Enters., Inc. v. City of Los Angeles, 19 Cal. 3d 294, 307 n.7 (1977) (“[I]n judging the constitutionality of the procedure established by the ordinance, we must look to the procedure dictated by the terms of the ordinance, and not to informal practices implemented at the discretion of municipal administrators.”). The Bulky Item Provision does not require that any notice or hearing be provided.

that “authoriz[ed] the seizure, retention and destruction of newsracks without affording the owner of the rack either a pre- or post-taking hearing.” Kash, 19 Cal. 3d at 306. The Court held that the ordinance violated due process on its face because “it d[id] not accord the owner the most basic safeguard demanded by the process—an opportunity to be heard on the merits of the taking, either before or after the taking.” Id. at 309. This was particularly troublesome because the taking was not merely temporary; the ordinance authorized the actual destruction of the confiscated newsrack. Id. at 308. The Court noted that striking down the ordinance did not prevent the city from “provid[ing] for the immediate seizure, without prior notice or hearing, of any newsrack that poses a danger to pedestrians or vehicles.” Id. at 313.

As in Kash, the Ordinance permits the City to remove and permanently destroy Bulky Items without any procedural safeguards whatever.¹⁴ As noted by the Ninth Circuit, this is “especially troubling given the vulnerability of [the City’s] homeless residents.” Lavan, 693 F.3d at 1032. Plaintiffs have sufficiently alleged that the Bulky Item Provision fails to provide the procedural due process required by the

¹⁴ The City argues that “if a Bulky Item was removed in the presence of a purported owner, that person likewise can avail him or herself of available state law remedies.” Mot. at 16. It is not clear what “state law remedies” the City asserts are available to Plaintiffs, but the ability to file a lawsuit challenging the deprivation cannot serve as the basis for finding due process. If it were otherwise, the due process requirement would not really be a requirement at all. See Kash, 19 Cal. 3d at 309 (“Not one of the scores of recent procedural due process decisions, however, suggests that the availability of a collateral judicial remedy can sustain a seizure procedure which provides absolutely no hearing whatsoever, either before or after the taking. Acceptance of the city’s position would in effect read out almost all of the protections afforded by contemporary procedural due process doctrine, and would place on the party whose property has been taken the additional financial burden of instituting an action for the property’s return.” (internal citations omitted)).

Fourteenth Amendment.¹⁵ The Court declines to dismiss the Fourth Cause of Action.

3. Vagueness Challenge (Third Cause of Action)

Plaintiffs also allege that the Ordinance is impermissibly vague because it fails to define a “Bulky Item” or an “immediate threat to public health and safety” with sufficient precision. *Id.* ¶¶ 245, 245.1.¹⁶

¹⁵ The Court is not dictating what process is due, only that Plaintiffs have sufficiently alleged a failure to afford any due process before destroying Bulky Items, which violates the Fourteenth Amendment.

¹⁶ Plaintiffs state that they challenge as impermissibly vague these two provisions of the Ordinance “both facially and as-applied.” Opp’n at 13 (footnote omitted) (citing Suppl. FAC ¶¶ 60-64, 66, 74-76, 83, 92-96). Based on a review of the cited provisions of the Supplemental FAC, it appears that Plaintiffs are using the term “as applied” to mean that the provisions are enforced arbitrarily, not that they were vague specifically as enforced against the individual Plaintiffs. *See* Suppl. FAC ¶ 93 (“Determinations about what constitutes a Bulky Item and is therefore subject to seizure and destruction, are arbitrary and based solely on the individual sanitation worker’s judgement and perception of item’s size. . . . Individuals who are homeless have no way of knowing what LA Sanitation will deem a Bulky Item, which is then subject to immediate seizure and destruction”), ¶ 94 (“Decisions about whether a bicycle is ‘inoperable’ are, as with all other decisions, made on the spot, and the consequence of this determination is the immediate and permanent deprivation of the item”). However, Plaintiffs did give examples where enforcement of these provisions was vague as applied to the individual Plaintiffs. *See, e.g.*, Suppl. FAC ¶ 131 (“On information and belief, these cleaning supplies were thrown away because, pursuant to the 56.11 Protocols, these items were deemed ‘hazards’ and pursuant to LAMC 56.11, could be summarily destroyed as ‘an immediate threat to the health and safety of the public.’”), ¶¶ 212-213 (“Officer Lopez informed Mr. Diocson that [his dog’s] kennel was a Bulky Item, and that he could not take it with him. . . . Although Mr. Diocson did not realize that the kennel would be considered a Bulky Item or agree with the determination that it was a Bulky Item, he was afraid to challenge the LAPD officer.”). The City’s assertion that Plaintiffs have failed to allege that “the law is vague as applied to the facts of the case

A statute is unconstitutionally vague if it 1) fails to provide adequate notice of the conduct it prohibits or 2) authorizes or encourages arbitrary or discriminatory enforcement. Desertrain v. City of Los Angeles, 754 F.3d 1147, 1155 (9th Cir. 2014) (quoting City of Chicago v. Morales, 527 U.S. 41, 56 (1999)). A vague provision may be unconstitutional even if “there is some conduct that clearly falls within the provision’s grasp.” Johnson v. United States, 135 S. Ct. 2551, 2561 (2015).

a. Bulky Item

The Ordinance defines a Bulky Item as “any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch, or wheelchair, that is too large to fit into a 60-gallon container with the lid closed,” and excludes “a container with a volume of no more than 60 gallons used by an individual to hold his or her Personal Property.” LAMC § 56.11(2)(c). Plaintiffs claim this definition “fails to provide Plaintiffs with fair notice of whether their individual items are illegal” and “encourages and has resulted in arbitrary and discriminatory enforcement.” Suppl. FAC ¶ 245.

The Court finds the definition of Bulky Item provides fair notice of what items are prohibited.¹⁷ Plaintiffs argue that a 60-gallon

at hand,” Mot. at 17 (quoting United States v. Johnson, 130 F.3d 1352, 1354 (9th Cir. 1997)), is wrong. Because these items were destroyed by the City based on its determinations of size or hazard level, the City cannot fault the Plaintiffs for not alleging the exact sizes of these items.

¹⁷ In the Supplemental FAC, Plaintiffs allege that the Bulky Item Provision does not “define what makes a bicycle, walker, crutch, or wheelchair ‘operational’” or “what constitutes a ‘constructed’ tent.” Suppl. FAC ¶ 61. However, Plaintiffs do not address arguments about the words “operational” and “constructed” in their opposition and therefore waive their vagueness challenge to those terms. Allen v. Dollar Tree Stores, Inc., 475 F. App’x. 159, 159 (9th Cir. 2012) (affirming district court’s dismissal of plaintiff’s claims in which plaintiff’s “opposition to the motion to dismiss failed to respond to [the

container can have many different dimensions, and those dimensions will “dramatically affect what will fit inside.” Opp’n at 16. This is, of course, true. But this is exactly the purpose of identifying the property by volume, rather than dimensions. Property that would fit in *any* shaped 60-gallon container is not a Bulky Item under the statute. That Plaintiffs’ property may have been destroyed incorrectly does not make the statute vague. Cf. Hodel v. Virginia Surface Min. & Reclam. Ass’n, Inc., 452 U.S. 264, 302 (1981) (That actions were later overturned does not undermine the adequacy of the statute). Similarly, that LAPD and Sanitation do not confirm the volume of an item before seizing or destroying it or may chose not to seize or destroy items that fit the definition of Bulky Item, does not mean the Bulky Item Provision is unconstitutionally vague.

By comparison, in Kolender v. Lawson, 461 U.S. 352 (1983), a statute permitted police officers to demand “credible and reliable” identification from a person who was stopped based on the police officer’s reasonable suspicion of criminal activity. Id. at 355-56. The Supreme Court found that statute unconstitutionally vague because it “contain[ed] no standard for determining what a suspect ha[d] to do in order to satisfy the requirement to provide a ‘credible and reliable’ identification” and “vest[ed] virtually complete discretion in the hands of the police to determine whether the suspect ha[d] satisfied the statute.” Id. at 358. Here, unlike in Kolender, it is clear what qualifies as a Bulky Item: any item with a volume of more than 60 gallons that is being stored in a public place by an individual with no other place to store personal property.¹⁸ The Bulky Item Provision is not unconstitutionally vague.

defendant’s] argument”); Stichting Pensioenfonds ABP v. Countrywide Fin. Corp., 802 F. Supp. 2d 1125, 1132 (C.D. Cal. 2011) (“[I]n most circumstances, failure to respond in an opposition brief to an argument put forward in an opening brief constitutes waiver or abandonment in regard to the uncontested issue.” (internal quotation marks and citations omitted)).

¹⁸ In challenging Plaintiffs’ Fourth Amendment claim, the City states that “[t]he Ordinance, by its express terms, applies to *all* items left by *any* person

In an attempt to avoid this conclusion, Plaintiffs claim that the Bulky Item provision could conceivably apply to an illegally parked car, the suitcase of a person waiting for the bus, or a cyclist's broken bicycle. Opp'n at 14-15. The Court finds that a reasonable person would not understand the Bulky Item Provision to prohibit the property identified by Plaintiffs. Rather, as noted above, the Ordinance is clear that its provisions apply to the personal property of individuals "who have no other alternatives for the storage of personal property." LAMC § 56.11(1).

b. Immediate Threat to Public Health and Safety

Plaintiffs claim that the phrase "immediate threat to public health and safety" does not provide "fair notice of what items Plaintiffs

on sidewalks and other public spaces." Mot. at 2; see also id. at 4 ("[T]he Ordinance is now, and has always been, a law of general application."). If this were true, the statute would be unconstitutionally vague because it "appears to be applied only to the homeless." See Desertrain, 754 F.3d at 1156 ("The vagueness doctrine is designed specifically to prevent this type of selective enforcement"). The City cannot have it both ways. It is clear from the stated purpose of the Ordinance that it is not a law of general application, but rather was enacted to "balance the needs of the residents and public at large" with "the needs of the individuals, who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas." LAMC § 56.11(1). This provision acknowledges that the "City's large and vulnerable homeless population need access to a manageable amount of essential property for their personal use and well-being." Id. The challenged provisions must be viewed in context. See Grayned v. City of Rockford, 408 U.S. 104, 112 (1972) (considering "the statute's announced purpose that the measure is whether normal school activity has been or is about to be disrupted" in determining that an ordinance was not vague, even though "the prohibited quantum of disturbance is not specified in the ordinance"); Tobe v. City of Santa Ana, 9 Cal. 4th 1069, 1107-08 (1995) (holding that the terms camping, living, and store are not "vague . . . when the purpose clause of the ordinance is considered and the terms are read in that context as they should be.").

can have with them in public spaces” and “encourages and has resulted in arbitrary and discriminatory enforcement.” Suppl. FAC ¶ 245.1.

The phrase “immediate threat to public health and safety” is not vague on its face. Plaintiffs argue, however, that the Protocols “further define the term and create uncertainty.” Opp’n at 17. Procedure 7 of the Protocols states that items pose “an immediate threat to the health or safety of the public” if “there is statistically significant evidence based on at least one study conducted with established scientific principles that acute or chronic health effects may occur in exposed persons.” RJN, Ex. 2 at 29. The Court agrees that this statement sets standards that are far from clear (How is one to know what the City considers “statistically significant evidence” or “established scientific principals”?) and “bears no resemblance to the judicially-defined ‘immediate threat to public health and safety.’” Opp’n at 17. However, Procedure 7 also requires the use of a Field Checklist that lists specific types of health hazards, including biohazards, toxins, flammables, corrosives, and reactives, and provides examples of items that would fall into those categories. RJN, Ex. 2 at 30, 48-49. The Court finds Plaintiffs have failed to allege that the health and safety provision is unconstitutionally vague when viewed in context of the entire Procedure, including the checklist.¹⁹ Plaintiffs are free to challenge the City’s determination that their property was an immediate threat to public health and safety. However, as stated above, errors in implementation do not render the Ordinance unconstitutionally vague on its face.

Plaintiff’s Third Cause of Action is DISMISSED without leave to amend.

¹⁹ In fact, another court in this district specifically praised the City for its health hazards checklist. Mitchell v. City of Los Angeles, No. CV 16-01750 SJO (GJSx), 2016 WL 11519288, at *3 (C.D. Cal. Apr. 13, 2016) (“The Court commends the City for following th[e] protocol” and “compl[ying] with a strict checklist to determine if immediate health hazards are present in property owned by homeless individuals.”).

B. State Law Claims

1. Preliminary Issues

The City contends Plaintiffs' state law claims are barred because 1) written claims were not filed with the government prior to filing this lawsuit and 2) the City is entitled to immunity.

a. Government Claims Act

The Government Claims Act provides that "all claims for money or damages against local public entities," subject to certain exceptions not applicable here, must be presented to those entities, Cal. Gov't Code § 905, and no suit falling into this category may be brought "until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board," id. § 945.4.

Plaintiffs concede that, for all but one Plaintiff, claims were not filed prior to instituting this action. See Opp'n at 20. They argue, however, that 1) their claims were timely filed before the inclusion of any state law causes of action, and 2) they were not required to comply with the Government Claims Act because their claims for damages are ancillary to their equitable claims. Opp'n at 19-21.

Plaintiffs argue that because the original complaint contained state law claims brought by El-Bey only, and the remaining plaintiffs submitted claims before adding state law claims as to them, Plaintiffs all made timely claims. Opp'n at 20. Plaintiffs did not wait the required 45 days to give the City the opportunity to act on the claims, see Cal. Gov't Code § 912.4, but courts have refused to dismiss cases where "the plaintiffs submitted a timely claim but prematurely filed a complaint . . . because the plaintiffs had substantially complied with the claim presentation requirement," see State of California v. Superior Court, 32 Cal. 4th 1234, 1244 (2004). In Cory v. City of Huntington Beach, 43 Cal. App. 3d 131 (1974), the plaintiff filed a lawsuit against the city two days after submitting a claim for damages, although the city was not served for nearly eight months. Id. at 133. The court held

that “the defense of prematurity, if timely raised, merely would have been a ground for abatement of the action.” Id. at 136. The Court of Appeal reversed the lower court’s grant of summary judgment, noting that “the city could not have been prejudiced by the premature filing of the action since the complaint was not served until the time period had run.” Id. Similarly, in Taylor v. City of Los Angeles, 180 Cal. App. 2d 255 (1960), the court held that the filing of an action prematurely “should not result in a disposition of the matter which has no relation to its merits,” particularly where “[a]t the time the answer of the city was filed, the city had received every benefit which a provision for rejection prior to suit is intended to serve.” Id. at 263. Here, the City filed its responsive pleading on October 21, 2019, more than 45 days after all but one of Plaintiffs’ claims were filed. See Mot. at 20. And the City specifically consented to amending the complaint to include the additional state causes of action and the additional incidents forming the basis for the later filed claims. See Dkt. 16.

Because the Court finds Plaintiffs substantially complied with the claims presentation requirement, it need not address Plaintiffs’ “primary relief” argument.²⁰

b. Discretionary Immunity

“[A] public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused.” Cal. Gov’t Code § 820.2. “[I]nstead of interpreting ‘discretionary’ literally, the focus should be on the policy considerations underlying the governmental entity’s claim of immunity.” Steinle v. City & Cty. of San Francisco, 919 F.3d 1154, 1160-61 (9th Cir. 2019). Specifically, discretionary functions are those that involve “*basic policy decisions* which have been expressly committed to coordinate branches

²⁰ The Court notes, however, that the allegations of the Supplemental FAC make clear that their claims for injunctive and declaratory relief are significant and potentially more consequential than their request for damages.

of government.” *Id.* at 1061 (quoting *Caldwell v. Montoya*, 10 Cal. 4th 972, 981 (1995)). “On the other hand, there is no basis for immunizing lower level decisions that merely implement a basic policy already formulated.” *Barner v. Leeds*, 24 Cal. 4th 676, 685 (2000).

The City argues that “Plaintiffs’ claims are premised on discretionary conduct by City employees in implementing policies to enforce LAMC 56.11, determinations regarding whether items pose immediate health and safety risks, decisions whether to give individuals more time to move belongings, and determinations regarding what constitutes a ‘bulky item.’” Mot. at 21. Because Plaintiffs’ constitutional claims do not fall under the purview of discretionary immunity, see *Schooler v. State of California*, 85 Cal. App. 4th 1004, 1013 (2000) (“Government Code immunities extend only to tort actions that seek money damages”), the only conduct that could be protected by immunity is 1) the LAPD officer threatening El-Bey with arrest (the Bane Act claim) and 2) LAPD’s and Sanitation’s decision to throw away Plaintiffs’ property rather than store it (the Section 2080 claim).

First, the City argues that “immunity ‘has been found to apply to many areas of police work’” and the LAPD officer’s alleged threat of arrest “if [El-Bey] failed to move his belongings in the allotted time [] is akin to the actions that courts shield from liability” Dkt. 26 (Reply) at 10 (citing *Conway v. Cty. of Tuolumne*, 231 Cal. App. 4th 1005, 1015 (2014)). However, *Conway* also noted that “[p]olice officers . . . are not immune under *section 820.2* when their acts are ministerial or public policy dictates against immunity,” such as “deciding to arrest an individual when there was no probable cause to do so” or “using unreasonable force when making an arrest or overcoming resistance to it.” 231 Cal. App. 4th at 1015. In fact, the Ninth Circuit has held as a matter of law that discretionary immunity does not apply “to an officer’s decision to detain or arrest a suspect.” *Sharp v. Cty. of Orange*, 871 F.3d 901, 920 (9th Cir. 2017) (quoting *Liberal v. Estrada*, 632 F.3d 1064, 1084 (9th Cir. 2011)). Nor does discretionary immunity apply to police actions that constitute “operational decision[s] by the police purporting to apply the law.” *Id.*

(alteration in original) (quoting Liberal, 632 F.3d at 1084-85); see also Gillan v. City of San Marino, 147 Cal. App. 4th 1033, 1051 (2007), as modified on denial of reh'g (Feb. 21, 2007) (“The decision to arrest [plaintiff] was not a basic policy decision, but only an operational decision by the police purporting to apply the law.”)). On the face of the Supplemental FAC the Court cannot conclude that the LAPD officer at issue was engaged in a policy decision when he or she allegedly threatened El-Bey with arrest. See Thomas v. Dillard, 212 F. Supp. 3d 938, 944, 949 (S.D. Cal. 2016) (Section 820.2 does not apply to police officer brandishing taser in the hopes of compelling the plaintiff to submit to a search “because Defendant was not engaged in a ‘policy’ decision” (internal footnote omitted)). The City is not entitled to immunity on El-Bey’s Bane Act claim at this stage.

Second, the City argues that discretionary immunity can “shield defendants from liability for *alleged* violations of mandatory duties under Section 815.6 where, as here, no mandatory duty in fact exists.” Reply at 11 (citing San Mateo Union High Sch. Dist. v. Cty. of San Mateo, 213 Cal. App. 4th 418, 434 (2013)). However, there is no question that Section 2080.10 imposes a mandatory duty on “a public agency [that] obtains possession of personal property from a person for temporary safekeeping” to “[t]ake responsibility for the storage, documentation, and disposition of the property” for 60 days. See Cal. Civ. Code § 2080.10. The City merely disputes whether this provision applies to Plaintiffs’ property. That is a separate question addressed below. The City is not entitled to immunity on Plaintiffs’ Section 2080 claim.

c. Good Faith Immunity

“If a public employee acts in good faith, without malice, and under the apparent authority of an enactment that is unconstitutional, invalid or inapplicable, he is not liable for an injury caused thereby except to the extent that he would have been liable had the enactment been constitutional, valid and applicable.” Cal. Gov’t Code § 820.6. The City argues that even if the Ordinance is unconstitutional, “there

are no allegations that the City did not act in good faith under the apparent authority of LAMC 56.11.” Mot. at 22.

As to the Bane Act claim, Plaintiffs allege that the officer threatened El-Bey with arrest in response to his request for “additional time to remove his ID, medication, and his tent.” Suppl. FAC ¶ 179. The Supplemental FAC does not allege that this threat was made pursuant to an unconstitutional, invalid, or inapplicable portion of the Ordinance, or pursuant to the Ordinance at all. In a provision not challenged here, the Ordinance provides that “[n]o person shall willfully resist, delay or obstruct a City employee from moving, removing, impounding or discarding Personal Property Stored in a Public Area in violation of Subsections 3.(a)-(h).” LAMC § 56.11(10)(a). It may be that El-Bey’s property was not being stored in violation of the Ordinance. As the City has pointed out, the items El-Bey was attempting to collect (ID, medication, and tent) do not necessarily violate the Ordinance. See Mot. at 4 (“the Ordinance now expressly permits up to 60-gallons of Personal Property to be stored in such spaces,”); id. at 5 (Bulky Items do “not include constructed tents”). At this stage of the litigation, the Court cannot determine that the City is entitled to good faith immunity for the Bane Act claim.

As to the Section 2080 claim, Plaintiffs have sufficiently alleged that City employees did not act in good faith in destroying property – allegedly pursuant to the Ordinance. See, e.g., Suppl. FAC ¶ 24 (City employees “seized and summarily destroyed Ms. Garcia’s tent and all of her belongings, including the cleaning supplies she needed for work, when she momentarily stepped away from her belongings to go to the bathroom and get ready for work.”); id. ¶ 25 (“all of her belongings had been seized and thrown away” even though Ms. Garcia “moved them to an area outside the noticed cleanup area and left them for the day to go to work”); id. ¶ 28 (City employees seized and destroyed a “tent, which was less than seven weeks old, tarps that were in good condition, clean clothing, and a small chest containing most of their important documents”); id. ¶ 30 (ID, medications, and tent were summarily destroyed); id. ¶ 32 (“sanitation workers threw away . . . his backpack and all of its contents, which included medication to treat his diabetes

and other important items”); *id.* ¶ 93 (“LA Sanitation crews have no mechanism to measure whether an item meets the definition in LAMC 56.11 of a Bulky Item and is therefore subject to seizure and destruction. Determinations about what constitutes a Bulky Item and is therefore subject to seizure and destruction, are arbitrary and based solely on the individual sanitation worker’s judgement and perception of item’s size.”); *id.* ¶ 104 (“Although LAMC 56.11 and the 56.11 Protocols state that the City will store the items it seizes, in reality, and consistent with official policy, practice, and custom, the City destroys nearly every item it comes in contact with during the course of ‘processing’ an encampment.”); *id.* ¶ 106 (“Items ranging from household cleaning supplies to batteries are considered ‘an immediate threat’ to public health. This definition is frequently interpreted to include items that are simply dirty, ‘smelly,’ or even stained.”); *id.* ¶ 110 (“In the course of ‘processing’ tents and encampments, LA Sanitation workers will tear or rip tents, break items, or spill containers with liquid, and then justify the destruction of property on the basis of these tears, rips, or spilled liquids.”); *id.* ¶ 112 (“containers are also routinely thrown away, along with bags and other luggage, without the contents being sorted or, often, without the containers even being opened. As a result, LA Sanitation routinely throws away items like medications, important documents, and identification cards, as well as items individuals need to survive on the streets, such as tents, blankets, clothing, and personal hygiene supplies.”). These allegations are more than sufficient to preclude a finding in favor of the City at this stage of the proceedings.

2. Bane Act (Sixth Cause of Action)

“The California Bane Act creates a cause of action against a person if that person ‘interferes by threat, intimidation, or coercion . . . with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States.’” Sandoval v. Cty. of Sonoma, 912 F.3d 509, 519 (9th Cir. 2018), cert. denied sub nom. Cty. of Sonoma, California v. Sandoval, 140 S. Ct. 142 (2019) (alteration in original) (quoting Cal. Civ. Code § 52.1). There are two avenues for alleging a Bane Act claim. If a plaintiff alleges a

negligent violation of her constitutional rights, she must also allege “coercion independent from the coercion inherent in the Fourth Amendment violation itself.” *Id.* However, if she relies solely on “the coercion inherent in a Fourth Amendment violation” she must also allege that “the coercion occurred with ‘specific intent to violate the [plaintiff’s] right to freedom from unreasonable seizure.’” *Id.* at 519-20 (quoting *Reese v. Cty. of Sacramento*, 888 F.3d 1030, 1043, 1044 n.5 (9th Cir. 2018)). El-Bey alleges that the City and Doe Defendants “have used arrests, threats of arrest and intimidation to interfere with” his rights and “acted with disregard for Plaintiff’s rights, with the knowledge that these actions were unreasonable and violated Plaintiff’s constitutional rights, and with the intent to violate Plaintiff’s rights.” Suppl. FAC ¶¶ 262, 263. Specifically, on or about January 10, 2019, two LAPD officers instructed El-Bey to pack up his belongings in ten minutes. *Id.* ¶ 175. El-Bey “suffers from mental health issues” and “struggled to pack up his belongings into a suitcase and a cart, in an attempt to comply with the officers’ orders.” *Id.* ¶¶ 172, 177. When he requested additional time to pack up his ID, medication, and tent, one of the officers threatened him with arrest. *Id.* ¶ 179. Sanitation workers then threw El-Bey’s belongings into the back of a garbage truck. *Id.* ¶ 180.

The City argues that “[s]imply stating (truthfully) that there could be legal consequences for Plaintiff resisting, delaying, or obstructing a City employee in violation of LAMC 56.11(10) – without more – cannot amount to a threat sufficient to support a Bane Act claim.” Mot. at 23. The City mischaracterizes the Supplemental FAC – El-Bey does not simply allege that City employees stated truthfully that there might be legal consequences for violating LAMC § 56.11(10). He alleges that while collecting his belongings as quickly as he could, he was threatened with arrest if he did not leave certain crucial property behind. This is sufficient to allege independent coercion under the first Bane Act avenue.²¹ See *Cooley v. City of Los Angeles*, No.

²¹ At the hearing, the City argued that El-Bey has not alleged a Bane Act violation because the officer who allegedly made the threat is not the person

2:18-CV-09053-CAS-PLA, 2019 WL 3766554 at *6 (C.D. Cal. Aug. 5, 2019) (holding plaintiffs had sufficiently stated a Bane Act claim where “plaintiffs allege[d] that they themselves were told by LAPD officers to leave the area during the cleaning or be arrested”).

The City also argues that El-Bey has not sufficiently alleged that the LAPD officer who threatened him acted with the requisite intent for a Bane Act claim. Mot. at 22. However, specific intent need not be shown where, as is the case here, there is a coercion independent from the seizure itself.²²

who threw El-Bey’s property away. The City does not identify any case law supporting this argument. The officer threatened El-Bey with arrest if he did not leave his property behind to be destroyed, allegedly in violation of the Fourth Amendment. That he was not the one who subsequently destroyed the property is immaterial.

²² Even if El-Bey were required to allege specific intent, he has done so. “The specific intent inquiry for a Bane Act claim is focused on two questions: First, ‘[i]s the right at issue clearly delineated and plainly applicable under the circumstances of the case,’ and second, ‘[d]id the defendant commit the act in question with the particular purpose of depriving the citizen victim of his enjoyment of the interests protected by that right?’” Sandoval, 912 F.3d at 520 (alteration in original) (quoting Cornell v. City & Cty. of San Francisco, 17 Cal. App. 5th 766, 803 (2017), as modified (Nov. 17, 2017)). “The first is a purely legal determination” and “then the jury must make the second, factual, determination.” Cornell, 17 Cal. App. 5th at 803. After Lavan, Fourth Amendment protections “clearly” and “plainly” applied to the removal and destruction of property belonging to unhoused persons. And, accepting the facts in the complaint as true, El-Bey has sufficiently alleged that the officer’s purpose in making the threat was to deprive him of his property interests in the property he would have to leave behind. See, e.g., Suppl. FAC ¶ 263 (officer “acted with disregard for Plaintiff’s rights, with the knowledge that these actions were unreasonable and violated Plaintiff’s constitutional rights, and with the intent to violate Plaintiff’s rights”); ¶ 179 (El-Bey “requested additional time to remove his ID, medication, and his tent,” which are not permitted to be summarily destroyed under the

3. Violation of Mandatory Statutory Duty (Seventh Cause of Action)

California Government Code Section 815.6 provides a private right of action for injuries caused by a public entity's "failure to discharge [a mandatory] duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty." Plaintiffs allege that the City violated the mandatory duties set out in California Civil Code Section 2080 *et seq.* Section 2080.10 provides:

When a public agency obtains possession of personal property from a person for temporary safekeeping, the public agency shall . . . [t]ake responsibility for the storage, documentation, and disposition of the property," [and] "[p]rovide the person from whom the property was taken with a receipt and instructions for the retrieval of the property," including "that the property must be claimed within 60 days after the public agency obtains possession or the property will be disposed of

The City claims that because the title of the Article in which Section 2080.10 appears is "Lost Money and Goods," each section in that article applies only to "lost" property. Reply at 12. "[T]he title of a statute or section can aid in resolving an ambiguity in the legislation's text." I.N.S. v. Nat'l Ctr. for Immigrants' Rights, Inc., 502 U.S. 183, 189 (1991) ("The text's generic reference to 'employment' should be read as a reference to the '*unauthorized* employment' identified in the paragraph's title."); see also Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 439 (2011) (location of section in "subchapter entitled 'Procedure' . . . suggests Congress regarded the 120-day limit as a claim-processing rule" and not a jurisdictional rule). However, "the title of a statute and the heading of a section cannot limit the plain meaning of the text." Bhd. of R. R. Trainmen v. Baltimore & O. R. Co., 331 U.S. 519, 528-29 (1947). "[M]atters in the text which deviate from

Ordinance (with limited exceptions), yet that is when he was threatened with arrest).

those falling within the general pattern are frequently unreflected in the headings and titles.” Id. at 528.

As Plaintiffs note, unlike the other provisions of Section 2080,²³ Section 2080.10 does not use the word “lost.” Opp’n at 24. To the contrary, Section 2080.10 refers to a public agency “obtain[ing] possession of personal property from a person for temporary safekeeping.” Cal. Civ. Code § 2080.10(a). It comes after a number of sections describing what a public entity should do if a person delivers lost property to it. See id. §§ 2080-2080.8. Each of these provisions requires the police to hold the property for 90 days before selling, destroying, or otherwise disposing of it. If Section 2080.10 also applied to lost property, the different limit, only 60 days (with the option to extend for 10 months if the owner is in custody), would not make sense. Moreover, it is clear that this section was specifically enacted to apply to property for which there were no then-existing handling requirements, including property of homeless people:

[M]ost of the items that come into the possession of the property officers belong to arrestees, the homeless and those detained for some type of mental evaluation. Property held for “safekeeping” may be food, soiled clothes, shopping carts and personal belongings. The problem that affects property personnel the most severely is reuniting the property with its owner.

California Bill Analysis, S.B. 1707 Sen., 7/30/1998.

²³ The Court rejects Plaintiffs’ additional argument that the other provisions of Section 2080 apply to items that are not lost. Suppl. FAC ¶ 268; Opp’n at 24. No reasonable definition of the word lost would include a person’s belongings that are purposely stored in an area where that person lives, whether attended or unattended. To hold otherwise would allow anyone to take homeless persons’ belongings and charge them reasonable expenses to give them back. And, it would require the City to store all items left in public places in Los Angeles on the off-chance the items might be the property of an unhoused resident.

The Court finds Plaintiffs have sufficiently alleged that the City did not comply with Section 2080.10.

C. As-Applied Challenge

The City argues that Haugabrook's as-applied claims fail to provide fair notice because "[b]asic material aspects [of those claims], including the date and location of the alleged incident, lack such specificity that the City is unable to investigate and defend itself against those claims." Mot. at 25. The Court disagrees.

Haugabrook alleges that he has lived "on Figueroa St., between 53rd St. and 52nd Place, . . . approximately a block away from the 110 freeway in South Los Angeles . . . next to an empty lot owned by the City" since the beginning of 2019.²⁴ Suppl. FAC ¶ 191. Although not explicitly stated, the allegations can be fairly read as stating that this is the location of the complained of sweeps. Haugabrook alleges that he was subject to cleanups "[o]n or about March 2019," "[a]bout a month later," "[o]n yet another occasion," and "[o]n or about June 24, 2019." Id. ¶¶ 193, 197, 201, 205. That the four cleanups occurred over a three-month period in a specific area provides sufficient notice for the City to investigate the allegations.

²⁴ The Supplemental FAC alleges that he lived in that location "[f]or the past four to six months." Suppl. FAC ¶ 191. Because the original complaint with similar language was filed on July 18, 2019, Dkt. 1 ¶ 145, the Court interprets this allegation to mean that Haugabrook moved to this area between January and March 2019.

IV. CONCLUSION

The City's Motion to Dismiss is GRANTED as to the Third Cause of Action and DENIED as to the remaining claims. Plaintiffs' Third Cause of Action is DIMISSED with prejudice.

IT IS SO ORDERED.

Date: February 15, 2020

A handwritten signature in blue ink that reads "Dale S. Fischer". The signature is written in a cursive style and is positioned above a horizontal line.

Dale S. Fischer
United States District Judge

EXHIBIT K

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, GLADYS ZEPEDA,
MIRIAM ZAMORA, ALI EL-BEY, PETER
DIOCSON JR., MARQUIS ASHLEY, JAMES
HAUGABROOK, individuals, KTOWN FOR
ALL, an unincorporated association,
ASSOCIATION FOR RESPONSIBLE and
EQUITABLE PUBLIC SPENDING an
unincorporated association,

Plaintiffs,

vs.

CITY OF LOS ANGELES, a municipal entity;
DOES 1-50,

Defendant(s).

Case No.: 2:19-cv-6182-DSF-PLA
Assigned to Judge Dale S. Fischer

**DECLARATION OF HOWARD
WONG ISO DEFENDANT CITY
OF LOS ANGELES'
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Concurrently Filed Documents:

- Memorandum of Points & Authorities ISO Opposition
- Declarations ISO Opposition: Dermer, Wong, Pereida, Ramirez, Rankin, Guerrero, Haines, Medina, Banks, Bernal, Rodriguez, Diaz
- Request for Judicial Notice
- Evidentiary Objections

Date: March 30, 2020
Time: 1:30 p.m.
Ctrm: 7D

DECLARATION OF HOWARD WONG

I, HOWARD WONG, hereby declare:

1. I am the Assistant Chief Environment Compliance Officer for City of Los Angeles Department of Public Works, Bureau of Sanitation's ("LASAN") Livability Services Division ("LSD") and Watershed Protection Division ("WPD"). I have personal knowledge of the facts contained herein, and if called to testify to the truth of these matters, I could and would competently do so.

2. I have worked for LASAN for 17 years. I started in 2003 as an environmental compliance inspector and promoted to various levels of seniority before becoming the Assistant Chief Environmental Compliance Officer ("Assistant Chief") in November 2018. My responsibilities include management and oversight of LASAN environmental compliance officers/inspectors and staff supporting the City's Comprehensive Cleaning and Rapid Engagement Program ("CARE+" and "CARE"), Clean Streets LA ("CSLA"), Operation Healthy Streets ("OHS"), Homeless Outreach and Proactive Engagement ("HOPE"), and inspection, enforcement and emergency-response operations to mitigate unsanitary, hazardous, and/or dangerous conditions and cleanups the City's public right-of-way. As part of my responsibilities, I manage environmental compliance officers/inspectors and approve authorizations for posted cleanups and unposted enforcement and emergency-response operations. I review posting surveys, cleanup and enforcement reports, and health hazard assessments prepared by environmental compliance officers/inspectors for these operations. I provide training and instruction to environmental officers/inspectors on matters such as hazardous materials and characteristics of hazardous materials, use and maintenance of personal protection equipment, identifying and mitigating public health and safety standards, requirements for transporting and disposing of hazardous materials, procedures for removing and storing property, and other operating protocols.

1 3. I have completed numerous classes in environmental studies for an
2 Associates of Science (A.S.) Degree. I have also completed the following courses during
3 my career: OSHA Hazardous Waste Operations and Emergency Response
4 (HAZWOPER); Federal DOT Hazardous Materials HM181 & HM 232; Peace Officer &
5 Standards Training (POST Penal Code 832); OES-CSTI Hazardous Materials
6 Technician; OES-CSTI Hazardous Materials Specialist; Investigation & Federal Law
7 Enforcement Center (FLETC) Advanced Environmental Crimes Program; and FEMA
8 Public Safety Sampling – WMD. I have extensive experience in the field analyzing
9 hazardous material, making health-hazard determinations of porous, non-porous and
10 fibrous materials, and mitigating unsanitary and hazardous conditions, including
11 emergency-response enforcements and posted street cleanings throughout the City.

12 4. In general, CARE+ provides public health services to encampments,
13 including among other services, mobile showers, delivery of trash bins and regular trash
14 pickup, outreach to connect homeless residents with services, and posted comprehensive
15 cleanups of encampments. CARE provides resources to clean the public right-of-way
16 and address enforcement and emergency-response to mitigate illegal dumping and/or
17 items stored in the public right-of-way, including hazardous material, contraband, threats
18 to public health and safety, bulky items, excess property, items impeding accessibility
19 under the Americans with Disabilities Act (ADA), or items blocking City operations or
20 ingress/egress. CARE+ and CARE operations commenced throughout the City starting
21 on or around October 1, 2019.

22 5. LSD is an LASAN division implemented to support CARE, CARE+ and
23 illegal-dumping cleanup programs. LASAN workers who previously supported CSLA,
24 OHS, HOPE, and public right-of-way enforcement and emergency response under
25 different LASAN divisions were essentially consolidated into one division under LSD.
26 WPD environmental compliance officers/inspectors who previously supported CSLA,
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OHS, HOPE, and other public right-of-way operations were included among the workers assigned to LSD

6. There are 17 CARE teams – one team for each of the 15 City Council Districts, one for the LA River, and one Citywide. LSD’s CARE team generally consists of two Environmental Compliance Inspectors (“ECI”), one Refuse Truck Collection Operation (“RTCO”), and one Maintenance Laborer (“ML”). LSD uses a third-party company, Clean Harbors Environmental Services, Inc., for transporting and disposing of certain hazardous materials in accordance with state and federal regulations. CARE teams also include Los Angeles Housing Services Authority (“LAHSA”) outreach workers. LAPD is generally not present during CARE operations (except in Skid Row and Venice Beach), but LAPD is available to respond quickly if needed to provide for the safety and security of the CARE teams during cleanup operations.

7. The Unified Homeless Response Command (“UHRC”) is a central command post for the City’s daily efforts to address the homeless crisis. The UHRC includes members from the Mayor’s Office, LASAN, LAPD, LAHSA, and other City and State departments or agencies. UHRC helps ensure that the City’s daily, street-level responses to homelessness are coordinated among the various agencies, and that resources are deployed efficiently and effectively. Among other things, the UHRC schedules and coordinates CARE+ and CARE operations.

8. LASAN is the designated administrative agency for enforcement of Los Angeles Municipal Code (“LAMC”) 56.11. LASAN adopted LAMC 56.11 Standard Operating Protocols in April 2016, which LASAN amended in September 2018. Attached as **Exhibit 1** is a true and correct copy of the LAMC 56.11 Standard Operating Protocols Amended September 2018 (“SOPs”) (bates label CTY004209-4255).

9. The SOPs outline the operating guidelines, designation of tasks, and scope of work for regulating personal property stored in public areas under LAMC 56.11.

10. The SOPs do not yet reflect a few operational changes implemented under CARE+ for cleanups occurring after October 1, 2019. For example, SOP No. 1 directs service requests to LASAN's Customer Care Center. (Ex. 1 at CTY004213). UHRC directs service requests under CARE and CARE+. In addition, an updated form of notice for major cleanings is used for CARE+ in lieu of the form in Appendix 1 (Ex. 1 at CITY004241). Attached as **Exhibit 2** is a true and correct of a CARE+ notice (bates label CTY004256). The SOPs have otherwise generally provided the guidelines for posted cleanups and enforcement or immediate threats to the health and safety of the public.

11. LASAN conducts posted cleanups using guidelines contained in SOP No. 3 for posted public area cleanings. (Ex. 1 at CTY004216-4219). ECIs survey cleanup areas and post written notices of a major cleaning at the cleanup location a minimum of 24 hours and no more than 72 hours before the official date and start time for the cleanup. ECIs take pictures of the notices posted at the cleanup location and prepare a posting survey.

12. LASAN arrives at the cleanup location and prepares to commence operations no earlier than the posted start time. For those individuals who have not vacated the cleanup area and removed their property by the posted start time, LASAN gives an additional 15 minutes to vacate the area and remove their personal property. Some individuals remove their property and vacate the area before the posted start time. Others, however, wait until the posted start time before they start packing and are unable to finish packing in 15 minutes. A posted cleanup can take up to a full day to complete or LASAN may have multiple posted cleanups at different locations that day. Permitting individuals to remain in the cleanup area for extended periods of time after the posted start time affects LASAN's ability to stay on schedule and complete all operations on a given day. Individuals who wait until the posted start time to start packing must therefore

1 vacate the cleaning area like everyone else after 15 minutes.

2 13. Once the cleanup area has been vacated, ECIs inspect the area. Sharps,
3 trash, debris, hazardous materials/waste, and human waste are collected and sent to
4 disposal. Weapons, ammunition, and explosives are identified and removed by LAPD.
5 ECIs assess health and safety hazards on items remaining in the posted cleanup area.

6 14. Determinations of health and safety hazards are made using guidelines
7 contained in SOP No. 7. (Ex. 1 at CTY4227-4228, 4245-4247). Materials are considered
8 to be health hazards when there is statistically significant evidence based on at least one
9 study conducted in accordance with scientific principles that acute or chronic health
10 effects may occur in exposed persons. The SOPs provide a list of hazardous
11 materials/waste and potentially hazardous materials that include:

12 a. Biohazards/infectious materials such as human sanitary waste
13 including excrement and urine, human blood, other human bodily fluids, human parts,
14 materials contaminated with human fluids, syringes, syringe needles, razor blades, other
15 medical or laboratory sharps, drug paraphernalia, materials potentially infected with lice,
16 fleas, bedbugs, bacteria, or viruses, materials potentially in contact with vectors such as
17 rodents and birds, and materials or substances which may potentially harbor infectious
18 agents;

19 b. Toxins/poisons such as pesticides, mercury-containing bulbs, asbestos
20 materials, e-waste, etc.;

21 c. Flammables such as gasoline, propane, butane, lighter fluid, oil-based
22 plants, mineral spirits, paint thinner, acetone, petroleum-based solvents, oxygen tanks,
23 and other materials with flashpoints under 141 degrees Fahrenheit;

24 d. Corrosives such as batteries, muriatic acid (swimming pool acid),
25 acids equal to less than pH 2.0, caustic degreasers/cleaners, bases equal to or greater than
26 12.5;
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1 e. Reactives such as chlorine, oxidizers, peroxides, hydrogen peroxide,
2 explosives, radioactive, ammunition, etc.;

3 f. Highly-compressed gases or liquids;

4 g. Motor oil,

5 h. Any substances listed in Title 22 of the Cal. Health and Safety Code.

6 15. Title 22 of the California Code of Regulations (CCR) and Title 40 of the
7 Code of Federal Regulations (CFR) address hazardous materials. For example, defined
8 hazardous wastes appear at 22 CCR 66261.3 and 40 CFR 261.3, and characteristics of
9 hazardous waste appear at 22 CCR 66261.20-24 and 40 CFR 261.20-24.

10 16. LSD added vectors on its health hazard checklist specifically because of the
11 prevalence of this hazard in encampments. A vector refers to a carrier that is capable of
12 transmitting a pathogen from one organism to another. For example, rodents are
13 common in encampments and are known hosts to parasitic arthropods or “vectors”, such
14 as fleas, mites, or lice, which may carry bacteria associated with typhus, trench fever and
15 bubonic plague.

16 17. Other common health and safety hazards encountered during cleanups
17 include human waste excretions found on property, sidewalks or gutters, which may
18 infect others with hepatitis or gastrointestinal diseases. Discarded hypodermic needles
19 and sharps are also frequently encountered on the public right-of-way and expose the
20 public to accidental pricking and potential injection of viruses, such as hepatitis, HIV,
21 and other blood-borne diseases. Rodent feces are also common and create risk of
22 exposure to Hantavirus infections. Flammable materials, like propane and butane, create
23 fire hazards. Other commonly encountered hazards include lithium batteries that ignite
24 fires if disposed of improperly, car batteries, pesticides, insecticides, aerosols, bleach and
25 other chemical cleaning products.

26 18. Hazardous waste found on permeable material, such as fabric, wood and
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1 other permeable substances, are discarded to prevent the spread of infectious diseases.
2 Hazardous waste found on non-permeable material may be disinfected and/or
3 decontaminated in some instances. ECIs document items determined to be hazardous
4 during the cleanup inspection on a Health Hazard Checklist (Ex. 1 at CTY004246).
5 Materials identified as hazardous materials and wastes, such as toxics, ignitables,
6 corrosives, or sharps are disposed of at approved treatment, storage and disposal
7 facilities. Certain hazardous materials, such as flammables, corrosives, or sharps, must
8 be disposed at certain facilities. ECIs identify hazardous materials so that they are sent to
9 the proper facilities for disposal.

10 19. Non-hazardous excess property at the cleanup site is bagged and tagged for
11 identification purposes and sent to a storage facility where the property remains available
12 for pickup for 90 days. Post-removal notice is provided informing individuals where
13 non-hazardous property may be recovered. Post-removal notice directs individuals to a
14 storage facility located at 507 Towne Avenue, referred to as “the Bin.”

15 20. The Bin is operated by a nonprofit company called Chrysalis. The Bin
16 contains an area for voluntary storage where homeless individuals can obtain a storage
17 container to store and access personal property. The Bin also contains an area for
18 involuntary storage where non-hazardous property removed during cleanups is stored for
19 90 days. There are five other storage facilities for involuntary storage located in different
20 parts of the City, including the Valley on Pendleton Street, Northeast on North San
21 Fernando Boulevard, West LA on Vista Del Mar, San Pedro on North Gaffey, and
22 Northridge on Vanalden Avenue.

23 21. LASAN delivers non-hazardous property to storage, completes a chain of
24 custody form transferring custody of property at the storage facility to Chrysalis, and
25 notifies Chrysalis of the delivery. Property stored in the facilities may be moved to the
26 Bin after the cleanup or Chrysalis may arrange to drop the property off to the individual
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1 in a public area (by a restaurant or supermarket) closer to the cleanup area or the
2 individual.

3 22. The recovery rate for non-hazardous property stored at involuntary storage
4 facilities is low. In calendar year 2019, only 14.85% of stored non-hazardous property
5 was claimed within 90 days. Attached as **Exhibit 3** is a true and correct copy of a
6 summary containing the involuntary storage data for the 2019 calendar year (bates label
7 CTY004257).

8 23. LASAN conducted posted CSLA cleanups on April 24, 2019 and May 21,
9 2019, at Lomita Boulevard and South McCoy Avenue by the Harbor City Greenway.

10 24. On April 22, 2019, ECIs surveyed the cleanup area at Lomita and McCoy,
11 identified over 25 homeless encampments and health and safety risks, and posted 31
12 notices in the area of the April 24, 2019 cleanup starting at 8:00 a.m. LASAN conducted
13 the cleanup on April 24, 2019. ECIs prepared a report documenting the posting, cleanup,
14 and health hazard assessments as part of their regular duties. LASAN maintains these
15 records in the regular course of its operations for encampment cleanups. Attached as
16 **Exhibit 4** is a true and correct copy of the LASAN Posted Cleanup and Health Hazard
17 Report for the April 24, 2019 Cleanup (bates label CTY001941-1975).
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19 25. ECIs took 194 pictures of the April 24, 2019 cleanup and 44 pictures of the
20 posting. Attached as **Exhibit 5** are true and correct copies of several of the pictures taken
21 of the posted notices for the April 24, 2019 cleanup (bates labels CTY001976-1978, -
22 1981, -1985, -1990, -2002, -2004, -2006, and -2018). Attached as **Exhibit 6** are true and
23 correct of copies of several pictures taken during the April 24, 2019 cleanup (bates labels
24 CTY002028, -2030, -2038-39, -2041, -2159, and -2177).

25 26. The Report identifies a pet cage at location number five. (Ex. 4 at
26 CTY001946) The Health Hazard Checklist for location number five specifically
27 identifies the pet cage as contaminated due to the presence of biohazards, infectious, and
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1 infested material, including urine. (Ex. 4 at CTY001960) The biohazards are reflected
2 on the plastic bottom of the pet cage. (Ex. 6 at CTY002038-39) The Report does not
3 identify the pet cage as a bulky item. The pet cage was discarded because of health and
4 safety hazards identified in the Report.

5 27. LASAN completed the April 24, 2019 cleanup at the Greenway, but within a
6 few weeks the Greenway required another cleanup to mitigate public health and safety
7 hazards in the public right-of-way. **Exhibit 7** contains true and correct copies of pictures
8 taken by ECIs during cleanup operations showing the Harbor City Greenway before and
9 after the April 24, 2019 cleanup, and again on May 21, 2019 before the posted cleanup
10 that day (bates labels CITY002034, -2207, -1654).

11 28. On May 19, 2019, ECIs surveyed the cleanup area at Lomita and McCoy,
12 identified 38 homeless encampments and health and safety risks, and posted notices in
13 the area of the May 21, 2019 cleanup starting at 8:00 a.m. LASAN conducted the
14 cleanup on May 21, 2019. ECIs prepared a report documenting the posting, cleanup, and
15 health hazard assessments as part of their regular duties. LASAN maintains these records
16 in the regular course of its operations for encampment cleanups. Attached as **Exhibit 8** is
17 a true and correct copy of the LASAN Posted Cleanup and Health Hazard Report for the
18 May 21, 2019 Cleanup (bates label CTY001236-1282).

19 29. ECIs took 608 pictures of the May 21, 2019 cleanup and 21 pictures of the
20 posting. Attached as **Exhibit 9** are true and correct copies of several of the pictures taken
21 of the posted notices for the May 21, 2019 cleanup (bates labels CTY001931, -1915, -
22 1911, -1910). Attached as **Exhibit 10** are true and correct of copies of several pictures
23 taken during the May 21, 2019 cleanup (bates labels CTY001466, -1522, -1563, -1631, -
24 1640, -1645, -1647-48, -1651, -1654, -1662, -1670, -1705, -1672, -1711, -1754, -1814).

25 30. The Report identifies two trailers at location number six and refers to a metal
26 cart with a mattress at adjacent location number seven. Areas six and seven reflect the
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1 presence of feces and urine, cockroaches and small bug infestation. (Ex. 8 at
2 CTY001246.) The Report identifies two trailers at location six as bulky items. The
3 Health Hazard Checklist for location number six identifies two trailers discarded due the
4 presence of biohazards, infectious, sharp, and infested material, including syringes. (Ex.
5 8 at CTY001272). The Health Hazard Checklist for location number 7 identifies a
6 mattress discarded due the presence of biohazards, infectious, sharp, and infested
7 material, including syringes. (Ex. 8 at CTY01273). The trailer bottoms were made of
8 wood, permeable material. The two trailers were bulky items, but included on the Health
9 Hazard Checklist for disposal based on identified health and safety hazards.

10 31. On February 21, 2020, ECIs surveyed the cleanup area at 4th Street and
11 Vermont, identified over 30 homeless encampments and numerous health and safety
12 risks, and posted 16 notices in the area of the February 24, 2020 cleanup starting at 6:00
13 a.m. LASAN conducted the cleanup on February 24, 2020. ECIs prepared a report
14 documenting the posting, the CARE+ cleanup, and health hazard assessments as part of
15 their regular duties. LASAN maintains these records in the regular course of its
16 operations for encampment cleanups. Attached as **Exhibit 11** is a true and correct copy
17 of the LASAN Posted Cleanup and Health Hazard Report for the February 24, 2020
18 Cleanup (bates label CTY004259-4290).

19 32. ECIs took 131 pictures of the February 24, 2020 cleanup. A picture of the
20 posted notice for February 24, 2020 cleanup is contained in the Report. (Ex. 11 at
21 CTY004260)

22 33. The Report identifies multiple health hazards at the site, including human
23 waste (feces and urine), paint waste, sharps, flammable/combustibles, and the presence of
24 multiple vectors such as rodents, parasites, bedbugs, cock roaches, and dead animal
25 carcasses. (Ex. 11 at CTY004268-4269). Location four identifies an encampment with a
26 mattress, pallets, and a disabled individual and activists at the site. (Ex. 11 at
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1 CTY004268). The Report states that wooden pallets used to lift the mattress off the
2 ground were cross contaminated with biohazards and infectious human sanitary waste,
3 and the mattress and wood consisted of permeable materials. (Ex. 11 at CTY004268)
4 The Health Hazard Checklist identifies a mattress and pallets among contaminated items
5 discarded due to contact with hazardous materials, including human waste, and rusted
6 metal nails in the pallet. (Ex. 11 at CTY004286) The mattress and pallets were bulky
7 items, but included on the Health Hazard Checklist for disposal based on identified health
8 and safety hazards.

9 34. Surveys for posted cleanups are conducted at a minimum of 24 hours and
10 typically within two to three days before the posted start time for the cleanup. There are
11 times when a faster response is required to mitigate unsanitary or hazardous conditions in
12 the public right-of-way. LSD conducts unposted enforcement and response to immediate
13 threats to the health and safety of the public that can be conducted the same day or in less
14 than 24 hours. These unposted enforcement and response to immediate threats to the
15 health and safety of the public were previously referred to as HOPE/Rapid-Response
16 cleanups and now fall under the CARE program.

17 35. LSD conducts enforcement and response to immediate threats to the health
18 and safety of the public to mitigate public health and safety threats in the public right-of-
19 way; to clear obstructions in the public right-of-way impeding City operations, blocking
20 ADA access, or blocking ingress or egress into a building, parking lot, loading dock or
21 other building entrance; to remove attachments to public property; and to remove
22 construction materials, appliances, furniture, mattresses, and other large bulky items from
23 the public right-of-way. The SOPs provide guidelines for conducting these operations.

24 36. LSD reviewed its records for incidents involving CARE operations in “early
25 December 2019” that involved the destruction of a bicycle or bike parts at or around 6th
26 Street and Harvard Boulevard. LSD identified CARE operations at 694 South Hobart
27 Boulevard on December 9, 2019 and December 16, 2019. Both of these incidents
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involved unsanitary conditions and public health and safety threats in the public right-of-way from hazardous materials.

37. LSD conducted an enforcement and response to immediate threats to the health and safety of the public in a CARE operation on December 9, 2019, at 694 South Hobart Boulevard to address immediate health threats in public areas from the presence of feces, urine, sharps, and other potential health hazards. ECIs prepared a report documenting the CARE operation and health hazard assessments as part of their regular duties. LASAN maintains these records in the regular course of its operations for CARE operations. Attached as **Exhibit 12** is a true and correct copy of the LASAN CARE Report for the December 9, 2019 cleanup (bates label CTY004291-4302).

38. The Report identifies bike parts in location five in an area that the homeless individuals at the site identified to the ECIs as a communal garbage pile, and informed the ECIs that all items in the pile were trash for disposal. Ex. 12 at CTY004294. A picture of the bike parts, including handlebars with no frame or wheel, and other miscellaneous bike parts and large furniture in the communal garbage pile at location five are reflected in the Report. (Ex. 12 at CTY004294, -4296).

39. LSD conducted an enforcement and response to immediate threats to the health and safety of the public in a CARE operation on December 16, 2019, at 694 South Hobart Boulevard to address immediate health threats in public areas from the presence of feces, urine, sharps, and other potential health hazards. ECIs prepared a report documenting the CARE operation and health hazard assessments as part of their regular duties. LASAN maintains these records in the regular course of its operations for CARE operations. Attached as **Exhibit 13** is a true and correct copy of the LASAN CARE Report for the December 16, 2019 cleanup (bates label CTY004303-4315).

40. The Report identifies miscellaneous bike parts that were rusted and one operational bicycle at location eight in an encampment belonging to a Hispanic male in his forties. (Ex. 13 at CTY004307). The Health Hazard Checklist for this location

1 identifies the bike parts were disposed due to the rusted metal. (Ex. 13 at CTY004315).
2 The bike parts and operational bike are reflected in the Report. (Ex. 13 at CTY004309).
3 The complete bicycle was not rusted and operational and remained at the encampment.
4 (Ex. 13 at CTY004307, -4315)

5 41. In sanitation and waste management, bulky items refers generally to large
6 items of solid waste such as household appliances, furniture, large auto parts, trees,
7 branches, stumps, and other oversize wastes whose large size precludes or complicates
8 their handling by normal solid wastes collection, processing, or disposal methods. (40
9 CFR 243.101(c); 27 CCR 20164; 14 CCR 17225.8) A mattress, sofa, refrigerator or
10 other large piece furniture left on a public sidewalk would typically be removed and
11 disposed in proper facilities under general sanitation and waste management principles.

12 42. LASAN collects bulky items from residential and multi-family residential
13 buildings it services, including removal of mattresses, couches, doors, carpet, toilets,
14 electrical waste and other furniture and large items. LASAN does not, however, collect
15 household hazardous waste, including automotive parts, oils, construction materials,
16 commercial appliances, paints, medicine, fluorescent lights, or cardboard (except for its
17 Move In/Move Out service). This traditional sanitation function has become increasingly
18 more complex as homeless encampments expand across the City.

19 43. LASAN addresses removal of bulky items from the public right-of-way.
20 SOP No. 9 addresses bulky item removal and distinguishes between non-shelter bulky
21 items and bulky item shelters. (Ex. 1 at CTY004230-4233). Bulky items generally
22 include mattresses, appliances, furniture, and construction materials. Bulky items also
23 include sheds, structures, non-operational bicycles, and large items that cannot fit into a
24 60-gallon receptacle with the container lid closed. Tents, wheelchairs, walkers, crutches,
25 operational bicycles, and containers with a volume of 60-gallons or less are not deemed
26 bulky items under the SOPs or LAMC 56.11. Bulky items that are used as shelters but
27 are not tents are deemed bulky item structures.

1 44. For bulky item structures, LASAN will post a pre-removal notice providing
2 at least 24 hours notice before removal and will remove the bulky item structure no more
3 than 72 hours after posting the pre-removal notice. If the bulky item structure has not
4 been removed after providing pre-removal notice, LASAN will deconstruct and remove
5 the structure, inspect and screen any items at the site, discard documented health and
6 safety hazards and the bulky item structure, remove uncontaminated excess personal
7 property and send the property to storage for 90 days. Post-removal notice is provided
8 similar to a posted cleanup.

9 45. Other bulky items are addressed as part of CARE+ posted cleanups or
10 CARE enforcement and response to immediate threats to the health and safety of the
11 public. CARE+ notices for posted cleanup inform individuals to “removal all personal
12 property and bulky items from the posted area by” the posted start time, and further state
13 that “bulky items are always prohibited” in public areas. (Ex. 2 at CTY004256)
14 Permanent signage is posted in certain areas of the City stating that “no bulky items shall
15 be stored in the public areas” and identifying four days of the week when health and
16 safety hazards and bulky items will be removed from public areas under CARE, and one
17 day of the week where a comprehensive posted cleaning will occur under CARE+.
18 Attached as **Exhibit 14** is a true and correct picture containing an example of permanent
19 signage (bates label CTY004258).

20 46. SOP No. 9A provides further guidance for removal of bulky items. An
21 unattended bulky item in the public right-of-way may be removed immediately and
22 Electronic bulky items which fall under the classification of E-waste shall be disposed in
23 accordance with 40 CFR. For the removal of attended bulky items, LASAN will work
24 with the individual to allow for removal of the item. Bulky items associated with other
25 personal property are assessed by ECIs. Bulky items not picked up based on the ECI’s
26 assessment are addressed by a posted cleanup under SOP No. 3.

27 47. I have been involved in thousands of cleanup operations during my career
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1 and witnessed the proliferation of bike parts and “chop shops” in the public right-of-way.
2 Miscellaneous bike parts are commonly found in homeless encampments, including
3 multiple frames with no seats, no handlebars, no bike chains and/or or no wheels.
4 Alternatively, there are miscellaneous parts like handlebars or wheels, but no frames. In
5 these instances, there is not an operational bicycle, meaning one that can be rode and
6 used as a mobility device. In my experience, a bicycle with all of its parts and a detached
7 front wheel present at the site is not deemed inoperable and removed and discarded
8 during cleanup operations.

9 48. LASAN maintains a customer service request number – 311 – that the public
10 may use to request bulky item pickups by their residences discussed above. In
11 responding to a 311 request, if LASAN’s solid resources collection team finds homeless
12 individuals claiming the property or signs of a homeless encampment by the property, the
13 service request would be redirected to LSD. Similarly, in areas around homeless
14 encampments, determining whether a bulky item is abandoned, part of an encampment,
15 or unabandoned and momentarily unattended by a homeless individual is exceedingly
16 difficult. Expansion of homeless encampments have made what at one time was
17 considered a traditional bulky item pickup significantly more complex for LASAN’s
18 ground crews.

19 49. In Skid Row, LASAN complies with additional requirements for removing
20 and discarding bulky items under a Stipulated Order of Dismissal in *Mitchell et al. v. City*
21 *of Los Angeles*, Central District Case No. 2:16-cv-01750-SJO-JPR (Dkt. No. 119). In
22 *Mitchell*, the Court’s Order incorporated the terms of an approved settlement agreement
23 enumerating specific bulky items that required no notice for removal and no storage,
24 including: “couches, mattresses, dressers, or other similarly-sized or larger furniture;
25 wooden pallets; refrigerators or other similarly-sized or larger appliances, or barbeques or
26 other open-flame cooking devices having fuel containers with a water capacity greater
27 than 2.5 pounds.” LASAN also complies with other procedures addressed by the Order.
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1 50. LASAN's involuntary storage facilities do not have capacity to store bulky
2 items removed from homeless encampments or other public areas. Storage of bulky
3 items would require significant expansion or creation of new storage facilities. In
4 addition, storing bulky items is operationally more complex because there are regulations
5 applicable to storage of bulky items. For example, storage requires "removing all doors
6 from large household appliances and covering the item(s) to reduce the problems of an
7 attractive nuisance, and the accumulation of solid waste and water in and around the
8 bulky items." (40 CFR 234.200-1(b))

9 51. The rate of recovery for stored property was less than 15% in 2019 (Ex. 3),
10 and this property includes, among other things, uncontaminated blankets and clothing
11 that would presumably be more essential than large furniture, appliances, and
12 construction materials. Removing bulky items from involuntary storage would require in
13 most instances a stake-bed truck or other mode of transportation to haul the bulky items
14 from storage facilities. Based on my experience in the field and working with homeless
15 residents and encampments, the rate of recovery for bulky items would be substantially
16 lower than 15% because most homeless residents do not have cars or means to transport
17 bulky items from storage facilities.

18 52. If bulky items cannot be removed from the public right-of-way unless the
19 items are stored for 60 or 90 days, or determined to be contaminated material under the
20 Health Hazard Checklist, then LASAN's ability to remove bulky items from the public
21 right-of-way will be impacted because proper storage facilities for bulky items stored on
22 the public right-of-way are unavailable. As a practical matter, this means that more bulky
23 items would remain in public areas, even if the bulky items create a public health and
24 safety hazard because of where the bulky item is located as opposed to because the bulky
25 item is itself contaminated and hazardous material. To place this risk in context, LASAN
26 responded to an average of 3,024 bulky item service requests per day from January 1,
27 2019 to March 9, 2020.

Howard Wong
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EXHIBIT L

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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, GLADYS
 ZEPEDA, MIRIAM ZAMORA, ALI
 EL-BEY, PETER DIOCSO JR,
 MARQUIS ASHLEY, JAMES
 HAUGABROOK, individuals, Ktown
 for All, an unincorporated association;
 ASSOCIATION FOR
 RESPONSIBLE AND EQUITABLE
 PUBLIC SPENDING, an
 unincorporated association,

Plaintiffs,

v.

CITY OF LOS ANGELES, a
 municipal entity; DOES 1-7,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFFS' OPPOSITION TO
 DEFENDANT CITY OF LOS
 ANGELES'S MOTION TO
 DISMISS SECOND AMENDED
 COMPLAINT**

Complaint Filed Date: July 18, 2019

Judge: Hon. Dale S. Fischer
 Hearing Date: May 18, 2020
 Time: 1:30 p.m.
 Courtroom: 7D

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Los Angeles Municipal Code § 56.11*passim*

I. INTRODUCTION

Plaintiffs, seven individuals and two organizations, bring this lawsuit challenging Defendant City of Los Angeles (“the City”)’s policies and practices of seizing and destroying homeless people’s belongings. Specifically, Plaintiffs allege that two provisions of the municipal code, Section 56.11(3)(i) and (10)(d), which allows the City to seize and immediately destroy items larger than 60 gallons by volume are unconstitutional as written. Plaintiffs also allege that the City has a policy, custom and practice of seizing and destroying belongings without a warrant or an exception to the warrant requirement, in violation of the Fourth Amendment to the United States Constitution and Article 1, Section 7 of the California Constitution, and without adequate due process, in violation of the Fourteenth Amendment to the United States Constitution and Article 1, Section 13 of the California Constitution.

Plaintiff Ktown for All brings claims on its own behalf and on behalf of its members, who like the individual plaintiffs, are subjected to the City’s custom, pattern, and practices of seizing and destroying their belongings, without due process and in violation of the Fourth Amendment. Ktown for All seeks injunctive and declaratory relief to prevent the City from engaging in these practices. Plaintiff AREPS, an association of taxpayers, also seeks prospective relief to prevent the City from continuing to use taxpayer dollars to engage in these illegal practices.

Now before the Court is the City’s second Motion to Dismiss. The City argues, as it did previously, that Ktown for All and AREPS do not have standing and that they failed to state claims under Section 1983, even though this Court has twice ruled that Ktown for All has standing and has granted a preliminary injunction based on two of the very same claims the City now seeks to dismiss. The City’s motion consists of arguments it either could have raised in its previous Motion to Dismiss, or that it has already made to this Court. Just as there was no merit to the arguments this Court already rejected, there is no merit to Defendant’s arguments now.

II. PROCEDURAL HISTORY

Plaintiffs filed this case in July 2019. In September, Plaintiffs filed an amended complaint and a supplemental complaint, which added allegations related to yet another incident that occurred after this lawsuit was filed, in which Plaintiff Janet Garcia's belongings were taken and destroyed by the City. Thereafter, the City filed both a Motion to Dismiss for Failure to State a Claim for nearly all of Plaintiffs' claims and a Motion to Dismiss for Lack of Subject Matter Jurisdiction, asserting neither organization had standing to bring this case. *See* Dkts. 20-21.

In February 2020, the Court denied Defendant's 12(b)(6) motion as to all of the causes of action except one, the third cause of action for vagueness, which the Court dismissed without leave to amend. *See* Order Granting in Part and Denying in Part Defendant's Motion to Dismiss for Failure to State a Claim, Dkt. 36. The Court denied the City's 12(b)(1) motion as to Ktown for All on their theory of direct standing. *See* Order Granting in Part and Denying in Part Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, ("12(b)(1) Order"), Dkt. 37 at 11. With respect to Ktown for All's associational standing, this Court found that it had not sufficiently clarified the relief it was seeking, and granted Plaintiffs leave to amend to clarify that Ktown for All was not seeking damages for its members. *Id.* at 14-15. The Court also granted the City's motion against AREPS, with leave to amend to plead facts that establish a specific "dollars and cents" injury sufficient to support Article III standing. *Id.* at 17-18.

Thereafter, Plaintiffs Ktown for All, Marquis Ashley and Pete Diocson filed a request for a Preliminary Injunction on behalf of Plaintiffs seeking to enjoin the enforcement of two sections of LAMC Section 56.11, which the Plaintiffs asserted were unconstitutional on their face. In opposition, the City again argued that Ktown for All lacked standing. This Court again rejected Defendant's standing arguments, held the Plaintiffs were likely to succeed on the merits of their claims, and granted the requested

1 Preliminary Injunction. *See* Order Granting Plaintiffs’ Motion for a Preliminary
2 Injunction, Dkt. 58.

3 On March 12, Plaintiffs filed a Second Amended Complaint (“SAC”), which
4 sought to address the infirmities identified by this Court, and consistent with this
5 Court’s standing order, made no additional changes to the complaint. *See* SAC, Dkt. 43.
6 The changes made by Plaintiffs were limited to 1) clarifying that Ktown for All was not
7 seeking damages on behalf of its members and 2) removing AREPS’ due process claims
8 and adding allegations regarding the specific “dollars and cents” injuries caused by the
9 constitutional violations.

10 Despite Plaintiffs’ only minor amendments, the City has filed another 25 page
11 Motion to Dismiss, rehashing arguments it has already lost, and bringing new arguments
12 it failed to raise in its initial Motions to Dismiss and which, with only limited exception,
13 are unrelated to Plaintiffs’ amendments in the SAC. The City argues, for the third time,
14 that Ktown for All does not have direct standing, again that it does not have
15 associational standing, that AREPS does not have standing, and inexplicably, that the
16 organizational Plaintiffs have failed to state claims under 12(b)(6), including for claims
17 that are the subject of this Court’s April 13, 2020 Preliminary Injunction. None of these
18 arguments have merit. The Court should deny Defendant’s Second MTD and require
19 the City to file an answer, so this case can proceed beyond the pleading stage.

20 **III. LEGAL STANDARD**

21 A motion to dismiss under Rule 12(b)(6) tests the legal sufficiency of the
22 complaint. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). “To survive a motion
23 to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state
24 a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
25 (2009) (citation omitted). A claim is plausible on its face “when the plaintiff pleads
26 factual content that allows the court to draw the reasonable inference that the defendant
27 is liable for the misconduct alleged.” *Id.* Significantly, the court must accept all
28 allegations of material fact as true and construe them in light most favorable to the

1 nonmoving party. *Cedars–Sinai Med. Ctr. v. Nat'l League of Postmasters of U.S.*, 497
2 F.3d 972, 975 (9th Cir. 2007). And material allegations, even if doubtful in fact, are
3 assumed to be true. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

4 When a district court grants a motion to dismiss, it should provide leave to amend
5 “unless it is clear, upon de novo review, that the complaint could not be saved by any
6 amendment.” *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th
7 Cir. 2008). When an amendment is granted, a defendant filing a subsequent Motion to
8 Dismiss under Rule 12(g) may not raise arguments that the defendant failed to raise in an
9 earlier motion to dismiss. “A party that makes a motion under [Rule 12] must not make
10 another motion under this rule raising a defense or objection that was available to the party
11 but omitted from its earlier motion.” Fed. R. Civ. P. 12(g)(2); *see also Martin v.*
12 *Tradewinds Beverage Co.*, No. CV 16-9249 PSG-MRW, 2017 WL 6816608, at *2 (C.D.
13 Cal. Sept. 5, 2017); *Ellis v. Worldwide Capital Holdings, Inc.*, No. EDCV 14-1427 JGB
14 (KKx), 2015 WL 12697722, at *2 (C.D. Cal. Mar. 24, 2015).

15 **IV. ARGUMENT**

16 **A. The Organizational Plaintiffs Have Standing to Bring this Lawsuit**

17 Ktown for All has Article III standing to bring this case, both on its own behalf
18 and on behalf of its members. As previously decided by this Court, Ktown for All has
19 sufficiently alleged direct Article III standing, and, as clarified in the Second Amended
20 Complaint, Ktown for All has also alleged associational standing to seek injunctive and
21 declaratory relief on behalf of its members. AREPS also has standing based on the now-
22 pled “dollars and cents” injury that stems from the illegal seizure and destruction of
23 property.

24 **1. The Court Has Already Ruled Twice that Ktown for All Has** 25 **Direct Standing**

26 The City yet again challenges Ktown for All’s direct standing, even though this
27 Court already ruled on two occasions that it has direct standing, and Ktown for All made
28 no changes to the SAC to disrupt this ruling. Just as there were no merits to the City’s

1 prior iterations of these arguments, there is no merit here. Specifically, although it
2 previously relied on *Havens Realty Corp v. Coleman*, 455 U.S. 363 (1982), in its
3 original Motion to Dismiss, *see* Def’s Motion to Dismiss for Plaintiffs’ Supplemental
4 Complaint to First Amended Complaint for Lack of Subject Matter Jurisdiction, Dkt.
5 21 at 11, 14, the City now asserts the injuries this Court recognized were sufficient
6 under *Havens* are insufficient in cases raising constitutional claims. *See* Def’s Motion
7 to Dismiss Second Amended Complaint, (“Second MTD”), Dkt. 57 at 17. This is simply
8 not the law in the Ninth Circuit. *See Comite de Jornaleros de Redondo Beach v. City of*
9 *Redondo Beach*, 657 F.3d 936, 943 (9th Cir. 2011) (en banc) (holding sufficient
10 constitutional injury to bring a constitutional challenge when the organizational plaintiff
11 pled a diversion of its resources and frustration of its mission); *see also Valle de Sol v.*
12 *Whiting*, 732 F.3d 1006, 1019 (9th Cir. 2013); *accord Common Cause/New York v.*
13 *Brehm*, No. 17-CV-6770 (AJN), 2020 WL 122589, at *21 (S.D.N.Y. Jan. 10, 2020)
14 (organization can bring constitutional claims against election laws where it diverted
15 resources); *Sierra Club v. Trump*, 379 F.Supp.3d 883, 925 (N.D. Cal 2019) *aff’d* 929
16 F.3d 670, 694 (9th Cir. 2019) (organizational plaintiffs, which had standing under
17 *Havens* as well as membership standing, may sue to enforce Appropriations Clause).

18 Neither of the cases cited by the City, *Lexmark Int’l. Inc., v. Static Control*
19 *Components, Inc.*, 572 U.S. 118 (2014) or *Bank of America v. City of Miami*, 137 S.Ct.
20 1296 (2017), affect this result. Nor do they stand for the proposition that organizations
21 cannot seek a remedy based on both diversion of resources and frustration of mission
22 for constitutional claims. In *Lexmark*, the Court did not distinguish statutory and
23 constitutional standing, but instead, simply referenced “third- party” standing as an
24 example of an instance in which the Court referred to a “prudential” limitation that was
25 in fact a “constitutional” requirement under Article III. 572 U.S. at 127, n.3. Similarly,
26 in *Bank of America*, the Court held that the City of Miami could sue for violations of
27 the Fair Housing Act. While the case referenced the standard laid out in *Havens*, the
28

1 Court said nothing about limiting *Havens* and its progeny to cases brought under federal
2 statutes and not under the U.S. Constitution. 137 S.Ct. at 1303.

3 **2. Ktown for All Has Standing to Seek Injunctive and Declaratory**
4 **Relief on Behalf of Its Members**

5 The City also argues again that Ktown for All does not have associational
6 standing to bring this case on behalf of its members. This argument too has no merit.
7 An association bringing suit on behalf of its members “must allege that its members, or
8 any one of them, are suffering immediate or threatened injury as a result of the
9 challenged action of the sort that would make out a justiciable case had the members
10 themselves brought suit.” *Warth v. Seldin*, 422 US 490, 514 (1975). “Whether an
11 association has standing to invoke the court’s remedial powers on behalf of its members
12 depends in substantial measure on the relief sought.” *Id.*

13 In *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333
14 (1977), the Supreme Court laid out the test for determining whether an organization can
15 establish “associational standing” to bring claims on behalf of its members: “(a) its
16 members would otherwise have standing to sue in their own right; (b) the interests it
17 seeks to protect are germane to the organization’s purpose; and (c) neither the claim
18 asserted nor the relief requested requires the participation of individual members in the
19 lawsuit.” 432 U.S. at 343. The third prong is prudential, as it “is best seen as focusing
20 on these matters of administrative convenience and efficiency, not on elements of a case
21 or controversy within the meaning of the Constitution.” *United Food & Commercial*
22 *Workers Union Local 751 v. Brown Grp., Inc.*, 517 U.S. 544, 557 (1996). Thus, “once
23 an association has satisfied Hunt’s first and second prongs assuring adversarial vigor in
24 pursuing a claim for which member Article III standing exists, it is difficult to see a
25 constitutional necessity for anything more.” *Id.* at 556.

26 This Court already ruled that Ktown for All established the first two prongs
27 required for associational standing under *Hunt*. See 12(b)(1) Order at 12-13. In light of
28 the third prong, this Court granted Ktown for All leave to narrowly amend the complaint

1 to clarify the claims it brought and the remedies sought on behalf of its members. Ktown
2 for All has done so, clarifying it is not seeking damages, and instead, seeks only
3 injunctive and declaratory relief. This is sufficient to meet the third prong under *Hunt*.
4 *See Columbia Basin Apartment Ass'n v. City of Pasco*, 268 F.3d 791, 799 (9th Cir. 2001)
5 (“Appellants request only injunctive and declaratory relief. Because these forms of
6 relief do not require individualized proof, the third prong of the Hunt test is satisfied.”);
7 *Harris v. Bd. of Supervisors, Los Angeles Cty.*, 366 F.3d 754, 764 (9th Cir. 2004); *see*
8 *also Santiago v. City of Los Angeles*, No. CV 15-08444-BRO (EX), 2016 WL 7176694,
9 at *6 (C.D. Cal. Nov. 17, 2016) (“[T]he need for individualized proof, and therefore
10 individual participation by an organization’s members, arises primarily when an
11 organization makes claims for damages; but when only injunctive or declaratory relief
12 is at issue, an organization’s ‘members need not participate directly in the litigation.’”)
13 (quoting *Alaska Fish & Wildlife Fed'n & Outdoor Council, Inc. v. Dunkle*, 829 F.2d
14 933, 938 (9th Cir. 1987)); *Associated Gen. Contractors of California, Inc. v. Coal. for*
15 *Econ. Equity*, 950 F.2d 1401, 1408 (9th Cir. 1991).

16 Despite the clarifying amendments, the City still asserts that Ktown for All lacks
17 associational standing because Section 1983 is a tort and the case would require
18 individual participation of its members. Second MTD at 21. There is no merit to this
19 argument. First, it is well-established in the Ninth Circuit that organizations can bring
20 Section 1983 claims on behalf of their members. *See Columbia Basin*, 268 F.3d at 798–
21 99 (apartment association can bring suit on behalf of its members to seek equitable relief
22 preventing the enforcement of an ordinance under Section 1983); *Federated Univ.*
23 *Police Officers' Ass'n*, No. SACV 15-00137-JLS (RNBx), 2015 WL 13273308, at *5
24 n.2 (C.D. Cal. July 29, 2015) (explaining that if the court analyzed “the requirements
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1 for associational standing, FUPOA would satisfy these requirements” regarding Section
2 1983 claim).¹

3 This argument also misunderstands the nature of Ktown for All’s claims and the
4 relief it seeks. In this case, Ktown for All brings claims against the City under *Monell*
5 *v. Department of Social Services of New York*, 436 U.S. 658 (1978), based on the City’s
6 customs, patterns, and practices of seizing unhoused people’s belongings. *See* SAC ¶¶
7 232-65. Its claims include both a facial challenge to two provisions of LAMC Section
8 56.11 and claims that the City seizes and destroys its members’ belongings in violation
9 of the United States and California constitutions. With regards to the facial challenges,
10 there is no question that Ktown for All can assert these claims on behalf of its members:
11 facial challenges raise pure questions of law. But there is also no merit to the City’s
12 claim that Ktown for All’s other claims, including the as-applied challenges to LAMC
13 Section 56.11, require individual participation by Ktown for All members.

14 As the City notes, Ktown for All’s *Monell* claims require Plaintiffs to establish
15 that the City has a custom, policy or practice that was the moving force behind the
16 constitutional violation. *See* Second MTD at 11. This is, of course, the type of
17 “systematic policy violations that make extensive individual participation
18 unnecessary.” *Spindex Physical Therapy USA Inc. v. United Healthcare of Ariz, Inc.*,
19 770 F.3d 1282, 1292-93 (9th Cir. 2014). Therefore, to establish *Monell* liability and for
20 a court to grant corresponding injunctive relief, participation in the lawsuit of every
21 individual who has ever had those policies and practices applied to them is not required.
22 To the contrary, a lawsuit raising a single incident may be used to hold the City liable
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24
25 ¹ The City argues that “Courts have held that organizations lack standing to assert
26 representative Section 1983 claims on behalf of their members,” Second MTD at 21,
27 *citing League of Women Voters v. Nassau Cnty Bd. Of Supervisors*, 737 F.2d 155, 160
28 (2d Cir. 1984). But in doing so, the City fails to recognize that the Ninth Circuit and
other circuits that have held otherwise, and in fact, the Second Circuit has noted that the
holding of *League of Women Voters*, which the City relies upon, is questionable. *See*
Nnebe v. Daus, 644 F.3d 147, 156 n.5 (2d Cir. 2011).

1 under *Monell* if the incident is part of an official pattern, practice, or policy. See
2 *Pembaur v. City of Cincinnati*, 475 U.S. 469, 485 (1986).

3 The City’s argument regarding the necessity of Ktown for All members’
4 participation conflates their role as *parties* and the role of some members as *evidentiary*
5 *witnesses*. See *Hosp. Council of W. Pennsylvania v. City of Pittsburgh*, 949 F.2d 83, 89
6 (3d Cir. 1991); see also *Warth*, 422 U.S. at 515-16 (organization can generally seek
7 prospective relief for members but not damages, because in order to obtain damages,
8 each injured member would have to be a *party* to the suit) (emphasis added). As then-
9 Judge Alito explained in *Hospital Council of Western Pennsylvania*—which concerned
10 an organization’s challenge not to a “statute, regulation or ordinance,” but instead, to a
11 pattern of alleged government misconduct—the “alleged practices that would probably
12 have to be proven by evidence regarding the manner in which the defendants treated
13 individual member hospitals . . . would likely require that member hospitals provide
14 discovery Nevertheless, since participation by ‘each [allegedly] injured party’
15 would not be necessary, we see no ground for denying associational standing.” *Id.* at
16 89–90. Accord *Retired Chicago Police Ass’n v. City of Chicago*, 7 F.3d 584, 603 (7th
17 Cir.1993) (“We can discern no indication . . . that the Supreme Court intended to limit
18 representational standing to cases in which it would not be necessary to take any
19 evidence from individual members of an association.”); *Ass’n of Am. Physicians &*
20 *Surgeons, Inc. v. Texas Med. Bd.*, 627 F.3d 547, 552 (5th Cir. 2010) (organization had
21 standing to bring claim on behalf of members, even though complaint alleged individual
22 abuses, since, if practiced systemically, they could establish constitutional violation and
23 noting that “proof of misdeeds could establish a pattern with evidence from the Board’s
24 witnesses and files and from a small but significant sample of physicians”); *Nebraska*
25 *Beef Producers Committee v. Nebraska Brand Committee*, 287 F.Supp.3d 740, 750 (D.
26 Neb. 2018) (“Were this case to proceed, it might be necessary for individual members
27 of the Beef Producers to participate as witnesses, but it would not be necessary for them
28 to participate as parties—and that is all that associational standing requires”).

1 *Santiago*, 2016 WL 7176694, illustrates this point. There, as here, an
2 organizational plaintiff brought claims similar to the claims Ktown for All raises, based
3 on the City’s illegal seizure and destruction of its members’ belongings, which the City
4 justified as necessary to protect public health and safety. *Id.* at 2. Defendants argued, as
5 the City does here, that the organizational plaintiff could not meet the third prong of
6 *Hunt*, because individual members’ property could have been taken for legal reasons,
7 and individual members would need to participate in the litigation to establish whether
8 their items were in fact taken legally. *Id.* at 6. The district court rejected this argument
9 and held the organization had standing. In doing so, the court reasoned that the question
10 at issue in the case was whether “Defendants’ alleged policies of seizing, failing to
11 inventory, and failing to return property was unlawful” and if so, whether to grant
12 equitable, prospective relief. *Id.* at *6. The question of whether individual members’
13 property was taken illegally was a “different inquiry that occurs outside of this
14 litigation.” *Id.* And unlike here, where some of Plaintiffs’ claims stem from written
15 policies and an allegedly unconstitutional ordinance, in *Santiago*, there was no formal
16 policy at issue in any of the claims, and the Court still held that individual participation
17 was unnecessary. *Id.*; see also *Comm. for Immigrant Rights of Sonoma Cty. v. County*
18 *of Sonoma*, 644 F.Supp.2d 1177, 1194 (N.D. Cal. 2009) (rejecting defendants’ argument
19 that “individualized proof is required to determine whether the challenged conduct
20 caused any harm” where the complaint sought declaratory and injunctive relief).
21 Similarly here, none of the claims brought by Ktown for All require participation of its
22 individual members, and the organization has standing under *Hunt*.

23 **3. AREPS Has Standing to Bring Its Claims**

24 AREPS has taxpayer standing to challenge the City’s enforcement of LAMC §
25 56.11. This Court determined that, in order to show taxpayer standing, AREPS “must
26 allege that enforcement of the allegedly unlawful portions of the Ordinance was
27 ‘supported by a[] separate tax or paid for from a[] particular appropriation or that it adds
28 any sum whatever to the cost of conducting the [sweeps].” 12(b)(1) Order at 17 (quoting

1 *Doremus v. Bd. of Ed. of Borough of Hawthorne*, 342 U.S. 429, 433 (1952)). The SAC
2 does exactly that, pleading additional facts showing expenditures that are directly tied
3 to the City’s illegal seizure and destruction of property. *See, e.g.*, SAC ¶ 87.

4 Specifically, AREPS alleges that the City illegally seizes and destroys property,
5 in violation of the Fourth Amendment. These items, which should not have been seized
6 in the first place, are destroyed by L.A. Sanitation and disposed of in City landfills,
7 costing the City money for each ton it disposes. *Id.* The cost of disposing of these items
8 is not negligible; the City pays upwards of \$60 per ton of property it sends to the landfill.
9 *Id.* The cost of the unconstitutional seizure and destruction of property, moreover,
10 increases as more items are illegally seized and destroyed. *Id.* And these specific tipping
11 fees would not be incurred if the City stopped illegally seizing and destroying property
12 during cleanups. *Id.* As such, these costs, paid out of the General Fund from municipal
13 taxes paid by Plaintiffs, are directly attributable to the City’s illegal practices: but for
14 the illegal seizure and destruction of that property, the property would remain on the
15 sidewalk and the commensurate tipping fees would not be paid. Accordingly, AREPS
16 suffers a “direct dollar-and-cents” injury because incremental taxpayer costs are directly
17 incurred by the City’s illegal actions. *See We Are America/Somos Am. v. Maricopa*
18 *County Bd. of Supervisors*, 809 F. Supp. 2d 1084, 1109 (D. Ariz. 2011).²

19 AREPS’ claim of a specific, ascertainable cost linked directly to the illegal
20 seizure and destruction of property is in contrast to the cases the City relies on, where
21 there was no ascertainable cost to the taxpayers specifically associated with the alleged
22 conduct. *Cf. Villa v. Maricopa Cty.*, 865 F.3d 1224, 1229 (9th Cir. 2017) (taxpayer did
23 not have standing to seek prospective relief for delay in sealing wiretap as delay did not
24 increase costs because the county officials would receive their salaries even without the
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26 ² Although not required, the amount of these costs are ascertainable during
27 discovery, just as the incremental costs of housing and feeding jail inmates were
28 ascertainable in *We Are America*, 809 F. Supp. 2d at 1109.

1 unlawful conduct and County had already changed its practices since the allegations in
2 the complaint); *Doe v. Madison School Dist. No 321*, 177 F.3d 789, 794 (9th Cir. 1999)
3 (no taxpayer standing because graduation prayer “cost the state no additional expense”);
4 *Cole v. Oroville Union High Sch.*, 228 F.3d 1092, 1100 n.5 (9th Cir. 2000) (taxpayers
5 could not sue to force the school to permit religious speeches at graduation as there was
6 no cost associated with prohibiting religious speeches).

7 AREPS has also pled sufficient facts to establish redressability in the Second
8 Amended Complaint. See SAC ¶ 87. AREPS seeks “an order enjoining and restraining
9 the City from enforcing the challenged provisions of Los Angeles Municipal Code
10 Section 56.11.” *Id.* at 60. The City’s expenditures associated with the disposal of
11 illegally seized property would decrease if the City stopped illegally seizing property
12 during cleanups. Taxpayers are *not* required to show, as the City argues, that the City
13 would refund them the money. See *Cammack v. Waihee*, 932 F.2d 765, 769 (9th Cir.
14 1991) (taxpayer not required “to prove that her tax burden will be lightened by
15 elimination of the questioned expenditure”); *We Are Am.*, 809 F. Supp. 2d at 1111
16 (“[T]he municipal taxpayers’ alleged injuries will be redressed by a favorable decision
17 herein, i.e. relief preventing the further implementation of [Maricopa County’s migrant
18 arrest and detention policy] or a finding that the [policy] is unconstitutional”) (internal
19 quotations omitted)). Accordingly, AREPS’ “direct dollar-and-cents” injury would
20 cease if the requested injunction issues.

21 **B. There is No Basis for Granting Defendant’s Rule 12(b)(6) Motion to**
22 **Dismiss**

23 The City argues, for the first time, that the organizational plaintiffs cannot state
24 claims under Section 1983 for constitutional violations. This assertion does not
25 withstand scrutiny. The City’s argument is grounded in inapplicable lines of cases that
26 bars plaintiffs, who are relying on *third-party or vicarious standing*, from bringing
27 Fourth Amendment claims. In those cases, plaintiffs attempted to assert the Fourth
28 Amendment rights of *other* individuals that they did not represent or even purport to

1 represent. In stark contrast, here, the organizational plaintiffs assert, in a
2 representational capacity, the claims of their members in the case of Ktown for All, and
3 *their own* federal and state constitutional claims. The City’s briefing is devoid of
4 precedent extending the line of cases it relies on to this context. Indeed, precedent from
5 the Ninth Circuit and elsewhere establishes that organizational plaintiffs asserting the
6 types of constitutional claims brought by Ktown for All and AREPS—claims based on
7 organizational and associational standing—can proceed.

8 **1. Ktown for All and AREPS Have Properly Alleged Fourth**
9 **Amendment Claims**

10 As discussed above, it is well established in the Ninth Circuit that organizational
11 plaintiffs can bring Section 1983 claims on behalf of their members. *See, e.g., Columbia*
12 *Basin*, 268 F.3d at 798–99. The ability of an organization to bring Section 1983 claims
13 on behalf of its members extends to claims for violation of the members’ Fourth
14 Amendment rights. As the Ninth Circuit explained, so long as an organization can
15 establish associational standing under *Hunt*, that alone is sufficient to enable an
16 organization to proceed on a Fourth Amendment claim on behalf of its members. *See*
17 *United States v. Comprehensive Drug Testing, Inc.*, 513 F.3d 1085, 1096 n.28 (9th Cir.
18 2008) on reh’g en banc, 579 F.3d 989 (9th Cir. 2009) opinion revised and superseded
19 on other grounds, 621 F.3d 1162 (9th Cir. 2010) (“CDT I”).³ *CDT I* is not an outlier.

20 _____
21 ³ Later in 2008, the Ninth Circuit granted rehearing en banc, *United States v.*
22 *Comprehensive Drug Testing*, 545 F.3d 1106 (9th Cir. 2008), and the panel decision is
23 thus cited herein as persuasive authority. The Ninth Circuit issued two en
24 banc decisions, *see United States v. Comprehensive Drug Testing*, 579 F.3d 989 (9th
25 Cir. 2009) (“CDT II”); *United States v. Comprehensive Drug Testing*, 621 F.3d 1162
26 (9th Cir. 2010) (“CDT III”), neither of which addressed the threshold standing issue and
27 whether *Rakas* precluded organizational plaintiffs from asserting Fourth Amendment
28 claims where standing was otherwise established under *Hunt*. The second en
banc decision nonetheless recognized that the organizational plaintiff “is protecting the
privacy and economic well-being of its members,” and “the seizure “violates its
members’ privacy interests and interferes with the operation of its business.” *CDT III*,
621 F.3d at 1173.

1 See e.g., *Columbia Basin*, 268 F.3d at 798–99; *California Hosp. Ass’n v. Maxwell-Jolly*,
2 No. CV098642CASMNX, 2010 WL 11526908, at *4 (C.D. Cal. Feb. 22, 2010)
3 (denying motion to dismiss Fourth Amendment claim brought under Section 1983 by
4 organization on behalf of its members); *C.N. v. Wolf*, No. SACV05868JVSMLGX,
5 2006 WL 8434249, at *3 (C.D. Cal. Nov. 1, 2006) (denying defendant's motion for
6 summary judgment as to Section 1983 claims brought by organization on behalf of its
7 members). Nor is this outcome isolated to the Ninth Circuit. See, e.g., *Heartland Acad.*
8 *Cnty. Church v. Waddle*, 427 F.3d 525, 532 (8th Cir. 2005) (“We conclude that
9 associational standing is legally available to Heartland on its Fourth Amendment claim,
10 but we still must determine if the facts of this case qualify Heartland to assert the Fourth
11 Amendment rights of its students. To do so, we apply [the *Hunt*] three-part test to those
12 facts.”); *Am. Fed’n of State Cty. & Mun. Employees (AFSCME) Council 79 v. Scott*,
13 857 F. Supp. 2d 1322, 1330 (S.D. Fla. 2012), vacated on other grounds sub nom, *Scott*,
14 717 F.3d 851 (denying motion to dismiss Fourth Amendment claim because “the Union
15 has standing to sue on behalf of its members”).

16 *CDT I* is instructive. There, the Major League Baseball Players Association
17 (“MLBPA”) asserted the Fourth Amendment rights of its player members relating to
18 seizures of steroid test results. 513 F.3d at 1095. The Ninth Circuit held that the MLBPA
19 had associational standing under *Hunt*, and it could, therefore, “assert the Fourth
20 Amendment rights of its members. . . .” *Id.* at 1096. In so holding, the court recognized
21 that the “Supreme Court has clearly rejected ‘vicarious’ or ‘target’ standing to assert
22 Fourth Amendment rights,” but ruled that this argument has no application where the
23 organization “has met the requirements of associational standing.” *Id.* at 1096, n.28.

24 Similarly, in *Heartland*, the Eight Circuit held “that associational standing is
25 legally available to Heartland [Academy Community Church] on its Fourth Amendment
26 claim” that it asserted on behalf of its students. 427 F.3d at 532-33. The court expressly
27 rejected defendant’s argument—the same argument the City is making—that Heartland
28

1 was precluded from bringing a Section 1983 claim because it was predicated on the
2 seizures of its members' property. *Id.* at 532; *see also Scott*, 857 F. Supp. 2d at 1330.

3 The City ignores these cases and asks this Court to extend a rule from an
4 inapplicable line of cases. *See* Second MTD at 11-14. But the rule announced in *Rakas*
5 *v. Illinois*, 429 U.S. 128 (1978) and its progeny is applicable only in the narrow context
6 of those cases. In *Rakas*, the Court held that a criminal plaintiff could not invoke the
7 exclusionary rule, by relying on vicarious standing, to suppress evidence improperly
8 seized from a third-party. *See id.* at 129-34. *Rakas* thus stands for the simple proposition
9 that in this context "Fourth Amendment rights are personal rights which cannot be
10 asserted vicariously." *Id.* at 128. The Court did not address whether an organization can
11 bring claims on behalf of its members, and thus did not foreclose an organization from
12 asserting Fourth Amendment claims on behalf of its members. *See Scott*, 857 F. Supp.
13 2d at 1329.

14 Indeed, *Heartland* distinguished the line of cases the City relies upon on this very
15 basis: "The Supreme Court has never held . . . that associational standing is not available
16 to § 1983 plaintiffs alleging Fourth Amendment violations" and "a case considering the
17 applicability of the exclusionary rule, a remedy used for Fourth Amendment violations
18 in criminal cases but not in civil cases, is not controlling in this § 1983 case." *Heartland*,
19 427 F.3d at 532; *see also CDT I*, 513 F.3d at 1095 n.28 (holding that because the
20 organizational plaintiff had standing on behalf of its members under *Hunt*, the court
21 need not consider whether under *Rakas*, the organization also had direct standing
22 because of the organization's own partial ownership share in the seized items). In the
23 context at issue here, the correct analysis begins and ends with the *Hunt* test, *see, e.g.*
24 *CDT I*, 513 F.3d at 1095 n.28; *Heartland*, 427 F.3d at 532, which Ktown for All
25 satisfies.

26 The remaining cases the City cites similarly arise only in the context of vicarious
27 standing and are inapplicable. In *Plumhoff v. Rickard*, for example, the Court
28 determined that an estate for a driver killed in a car crash involving police officers could

1 not invoke the Fourth Amendment rights of the vehicle's passenger to sustain its own
2 claim. 572 U.S. 765, 775 (2014). And in *Microsoft v. United States Department of*
3 *Justice*, the court rejected Microsoft's attempt to vicariously assert the Fourth
4 Amendment rights of its customers to challenge the federal Electronic Communications
5 Privacy Act. 233 F. Supp. 3d 887, 916 (W.D. Wash. 2017). Nor do the other cases cited
6 by the City apply here. *See Cal. Bankers Ass'n v. Schultz*, 416 U.S. 21, 69 (1974)
7 (company cannot vicariously assert the rights of its customers); *Ellwest Stereo Theaters,*
8 *Inc. v. Wenner*, 681 F. 2d 1243, 1248 (9th Cir. 1982) (same); *Mabe v. San Bernardino*
9 *Cnty.*, 237 F. 3d 1101, 1111 (9th Cir. 2001) (mother cannot vicariously assert the rights
10 of her daughter); *Moreland v. Las Vegas Metro. Police Dept.*, 159 F.3d 365, 369 (9th
11 Cir. 1998) (family of a victim of excessive force cannot vicariously assert the decedent's
12 Fourth Amendment rights in a lawsuit against the Las Vegas Police Department).

13 The foregoing reasoning also applies when an organization, like AREPS here,
14 alleges injuries on behalf of its taxpaying members for financial expenditures related to
15 the seizure and destruction of property in violation of the Fourth Amendment. *See, e.g.,*
16 *Garris v. City of Los Angeles*, No. CV 17-1452 MWF (EX), 2017 WL 10543666, at *6–
17 7 (C.D. Cal. Nov. 7, 2017) (denying 12(b)(6) motion because plaintiffs had standing to
18 bring a Fourth Amendment claim even though they were not subjected to any
19 constitutionally deficient searches or seizures, but were injured by such violations
20 because they caused financial expenditures). Like KFA, AREPS does not allege injuries
21 vicariously on behalf of individuals it does not represent or does not purport to
22 represent, but instead brings claims on behalf of its members to redress their injuries.
23 As such, AREPS also has the right to pursue its Fourth Amendment claims. *See id.*;
24 *CDTI*, 513 F.3d at 1095.

25 Likewise there is no bar where, as here, organizational plaintiffs can demonstrate
26 direct injury. Ktown for All is not asserting a claim for “vicarious” injury, but for its
27 own injury. Courts recognize legally-cognizable injuries to associations and
28 organizations flowing from Fourth Amendment violations, including where the injury

1 is financial or a diversion of the association's resources. *See, e.g., Scott*, 857 F. Supp.
2 2d at 1330; *Santiago*, 2016 WL 7176694, at *8.

3 For example, in *American Federation of State, County and Municipal Employees*
4 *Council 79 v. Scott*, 717 F.3d 851 (11th Cir. 2013), the Eleventh Circuit affirmed the
5 district court's holding that an organization could bring a Fourth Amendment claim
6 under Section 1983 based on direct standing and its diversion of resources. 717 F.3d at
7 861 n.1. As the district court explained, because the organization "is not seeking to
8 assert its members interest vicariously," but is instead "seeking to assert its own
9 interests by identifying an injury that it will suffer as a consequence of having to devote
10 its resources toward members affected by" an executive order, it can proceed on its
11 Section 1983 claims. *Scott*, 857 F. Supp. 2d at 1329. This is the same type of injury
12 Ktown for All alleges. As the district court noted, this type of injury distinguishes the
13 parties here from the party in *Rakas* and other cases Defendants cite, because the
14 plaintiffs in those cases "suffered no injury at all." *Id.* Accordingly, where, as here,
15 organizational plaintiffs have suffered cognizable injuries from Fourth Amendment
16 violations, they state a Fourth Amendment claim even where their property was not
17 seized. *Id.*; *see also Garris*, 2017 WL 10543666 at *6-7.⁴

18
19 ⁴ Even if the Court agrees that Ktown for All and AREPS's federal constitutional
20 claims should be dismissed, both organizations can still proceed on their California
21 constitutional claims. The City acknowledged that AREPS and Ktown for All alleged
22 claims under the California constitution, Second MTD at 5-6, but the City's motion
23 does not challenge these claims. Notwithstanding the City's waiver, Plaintiffs note that
24 Ktown for All and AREPS can easily assert claims rooted in the California constitution
25 where, as here, their members suffered an injury, *Airline Pilots Assn. Internat. v. United*
26 *Airlines, Inc.*, 223 Cal. App. 4th 706, 726 (1st Dist. 2014) (finding that union has
27 standing to bring action on behalf of its members under the *Hunt* factors), and by
28 showing that its members' constitutional rights have been violated, *see, e.g., Planned*
Parenthood Affiliates v. Van de Kamp, 181 Cal. App. 3d 245, 280 (1st Dist. 1986)
(finding that child abuse reporting law that affects organization and its members violates
the California Constitution). This is especially so in public interest cases like this in
which "the requirements for standing to sue are relaxed," *Cent. Valley Chap. 7th Step*
Found. v. Younger, 95 Cal. App. 3d. 212, 233 (1st Dist. 1979), and "participation of
incorporated and unincorporated associations . . . has become common and accepted,"
McKeon v. Hastings College of Law, 185 Cal. App. 3d 877 (1st Dist. 1986).

1 **2. Ktown for All Has Properly Alleged a Fourteenth Amendment**
2 **Claim**

3 Ktown for All has likewise properly raised a Fourteenth Amendment claim, both
4 on behalf of its members and on its own behalf. To begin with, organizational and
5 associational plaintiffs can similarly pursue Fourteenth Amendment due process claims
6 on behalf of their members. *See Ass’n of Los Angeles City Attorneys v. City of Los*
7 *Angeles*, No. CV 12-4235 MMM (JCX), 2012 WL 12887541, at *13-15 (C.D. Cal. Nov.
8 20, 2012); *Santiago*, 2016 WL 7176694, at *7-8 (organization properly stated a due
9 process claim on behalf of its members); *Friendly House v. Whiting*, No. CV 10-1061-
10 PHX-SRB, 2010 WL 11452277, at *5 (D. Ariz. Oct. 8, 2010); *Hanford Exec. Mgmt.*
11 *Employee Ass’n v. City of Hanford*, No. 1:11-CV-00828-AWI, 2012 WL 2159398, at
12 *13 (E.D. Cal. June 13, 2012). To state a due process claim under the Fourteenth
13 Amendment, an organizational plaintiff must establish that its members were or will be
14 deprived of a protected liberty or property interest. *See Ass’n of Los Angeles City*
15 *Attorneys*, 2012 WL 12887541, at *13 (citing *Johnson v. Rancho Santiago Community*
16 *College Dist.*, 623 F. 3d 1011, 1029 (9th Cir. 2010)).

17 Ktown for All has done just that. The SAC lays out the City’s customs, policies
18 and practices of unconstitutionally seizing and destroying unhoused residents’
19 belongings, *see* SAC at ¶¶ 92-123, and specifically, the customs, policies, and practices
20 that give rise to Plaintiffs’ due process claims, *see id.* ¶¶ 114-123. It also specifically
21 alleges that its unhoused members “have been subjected to the City’s customs, policies,
22 and practices, including the continued enforcement of LAMC 56.11.” *Id.* ¶ 42. Further,
23 the SAC alleges that Ktown for All’s unhoused members have suffered harm, including
24 the loss of property and the deprivation of their constitutional and statutory rights. *Id.*
25 And the SAC alleges prospective injury, namely that unhoused Ktown for All members
26 are at imminent risk of continued deprivation of their constitutional rights, as a result of
27
28

1 the continued unconstitutional enforcement of LAMC Section 56.11. *Id.*⁵ At this stage
2 of the litigation, Ktown for All has alleged facts sufficient to state a due process claim
3 under the Fourteenth Amendment on behalf of its members.⁶

4 Ktown for All can also bring Fourteenth Amendment claims based on its own
5 injuries. Associations have standing and may also bring a claim concerning due process
6 violations where the violation results in diversion of resources and frustration of its
7 mission. *See, e.g., El Rescate Legal Servs., Inc. v. Exec. Office of Immigration Review*,
8 959 F.2d 742, 748 (9th Cir. 1991) (organizations had standing, given frustration of its
9 goals and resources, to bring due process claims of persons more directly affected);
10 *Nnebe*, 644 F.3d at 147 (“[N]othing prevents an organization from bringing a § 1983
11 suit on its own behalf so long as it can independently satisfy the requirements of Article
12 III standing as enumerated in *Lujan*.”). This is particularly true where, as here, the injury
13 impacts the organization’s ability to associate with its members. “[I]n attempting to
14

15 ⁵ None of the cases cited by the City suggest that Plaintiffs have not sufficiently
16 pled *Monell* liability at this stage. In *Cobine v. City of Eureka*, 250 F.Supp.3d 423, 435
17 (N.D. Cal. 2017), plaintiffs did not bring a due process claim, but in the context of a
18 Fourth Amendment claim, the district court found that provisions similar to the ones at
19 issue here, including ones which allowed the City to seize and immediately destroy
20 bulky items and items that constituted an immediate threat to health and safety, could
21 give rise to a Fourth Amendment claim, but granted the motion to dismiss because the
22 complaint did not contain any allegations that the individual plaintiffs had any items
23 that could be subjected to seizure. *See* 250 F.Supp.3d at 435-46. Similarly, in *Shipp v.*
24 *Schaaf*, 379 F.Supp.3d 1033, 1037 (N.D. Cal. 2019), the district court denied a motion
25 brought by pro se litigants for a preliminary injunction to enjoin a cleanup of an
26 encampment. In denying the preliminary injunction, the court noted there was no
evidence that the SOPs would not be followed, but the court noted that “if the record
contained evidence that the City had repeatedly violated its own policies regarding the
destruction of unhoused persons’ property, it would raise serious questions as to the
merits of Plaintiffs’ claim.” *Id.* at 1038; *see also Sullivan v. City of Berkeley*, 383
F.Supp.3d 976, 982 (N.D. Cal. 2019) (finding no triable issue of fact at the summary
judgment stage); *Young v. City of Los Angeles*, CV 20-00709 JFW (RAO), 2020 WL
616363, at *6 (C.D. Cal. Feb. 10, 2020) (pro per litigant failed to state a claim when the
allegations were unclear whether property was actually removed or destroyed).

27 ⁶ As discussed *infra*, Section III(C), the City has also waived any argument that
28 Plaintiffs have not stated a claim for *Monell* liability, since Plaintiffs made no changes
in the SAC related to its *Monell* claims, and the City could have raised this argument in
its First MTD. *See* Fed. R. Civ. Pro. 12(g).

1 secure relief from injury to itself the association may assert the rights of its members,
2 at least so long as the challenged infractions adversely affect its members' associational
3 ties." *Warth*, 422 U.S. at 511; *see also Nat'l Ass'n for Advancement of Colored People*
4 *v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462-63 (1958) (finding due process
5 claim where government action "is likely to affect adversely the ability of petitioner and
6 its members to pursue their collective effort to foster beliefs which they admittedly have
7 the right to advocate"); *Bates v. City of Little Rock*, 361 U.S. 516, 523 (1960) (similarly
8 acknowledging due process interest in unrestrained association, and noting it is
9 protected "not only against heavy-handed frontal attack, but also from being stifled by
10 more subtle governmental interference").

11 Ktown for All alleges that the City's practices of seizing individuals' belongings
12 without due process directly harms the organization because the City's unconstitutional
13 practice makes it incredibly difficult for Ktown for All to organize with its unhoused
14 neighbors, including making it hard for Ktown for All's members to participate given
15 they must spend time guarding their belongings or risk having them be
16 unconstitutionally destroyed. SAC ¶¶ 40, 43. This harms Ktown for All directly, and
17 this is sufficient to state a claim for a due process violation.

18 **C. The City Waived Its Argument That Ktown for All and AREPS Have**
19 **Failed to State Their Section 1983 Claims**

20 Notwithstanding the fact that the City's argument fails on the merits, the City
21 also cannot prevail on its argument that Ktown for All and AREPS have failed to state
22 claims under Section 1983 because the City waived these arguments by failing to raise
23 them in its previous motions to dismiss. Under Rule 12(g), "a party that makes a motion
24 under [Rule 12] must not make another motion under this rule raising a defense or
25 objection that was available to the party but omitted from its earlier motion." Fed. R.
26 Civ. P. 12(g); *Lytle v. Nutramax Labs., Inc.*, No. EDCV19835JGBSPX, 2019 WL
27 8060077, at *3 (C.D. Cal. Dec. 6, 2019). "[T]hat the Plaintiffs filed an amended
28 complaint does not give Defendants an opportunity to argue what they could have, but

1 did not, before.” *Lytle*, 2019 WL 8060077, at *3. This rule “promote[s] the early and
2 simultaneous presentation and determination of preliminary defenses,” *Chilicky v.*
3 *Schweiker*, 796 F.2d 1131, 1136 (9th Cir. 1986), rev’d on other grounds, 487 U.S. 412
4 (1988), and “avoid[s] repetitive motion practice, delay, and ambush tactics,” *see In re*
5 *Apple iPhone Antitrust Litigation*, 846 F.3d 313, 318 (9th Cir. 2017).

6 The arguments the City raises in its Second MTD could have been raised in its
7 prior motions. Indeed, each allegation that the City challenges as insufficient—
8 paragraphs 38-46, 87, 232-247, 255-265 of the SAC, *see* Second MTD at 13, 17—is
9 substantively identical to allegations already pled in the supplemental complaint.
10 *Compare* Supp. Compl. ¶¶ 37- 45, 217-230, 237-240 *with* SAC ¶¶ 38-46, 87, 232-247,
11 255-265. The only paragraphs that differed in any way were paragraphs 87, 236, 237,
12 238, 245, 256, 257, and 258, but the only differences merely clarified allegations
13 relating to AREPS’s taxpayer standing or the relief sought, differences that have no
14 bearing on whether Ktown for All and AREPS are barred from asserting constitutional
15 claims. *See, e.g.*, SAC ¶ 236 (“The City’s unlawful seizure and destruction of
16 individuals’ belongings, pursuant to the unlawful provisions of LAMC 56.11, results in
17 the increased expenditure of funds on costs associated with the disposal of these items.
18 But for the enforcement of this unconstitutional provision, the City would not expend
19 the additional costs to dispose of this property.”). Nor does it matter that Ktown for All
20 clarified that it is seeking only prospective relief. By the City’s own admission, its
21 Section 1983 argument arises “irrespective of whether damages are asserted.” Second
22 MTD at 2.

23 The City’s failure to raise these arguments in its first 12(b)(6) motion, moreover,
24 highlight the rationale for waiver, namely, promoting early and simultaneous
25 determination of preliminary defenses and avoiding repetitive motion practice, delay,
26 and ambush tactics. The City has wasted time and judicial resources and is unnecessarily
27
28

1 delaying this litigation.⁷ *See, e.g., Lytle*, 2019 WL 8060077 at *3. Accordingly, the
2 Court should not consider the City's 12(b)(6) arguments.

3 **D. The Third Cause of Action Has Already Been Dismissed With**
4 **Prejudice**

5 Finally, Plaintiffs do not dispute that the Third Cause of Action has been
6 dismissed with prejudice; in fact, Plaintiffs noted this in the SAC. *See* SAC n.7. While
7 the Ninth Circuit held in *Lacey v. Maricopa County* that a plaintiff does not waive its
8 right to appeal the dismissal of a cause of action not subsequently pled in a later
9 complaint, *see* 693 F.3d 896, 928 (9th Cir. 2012), it did not rule, as the City suggests,
10 that including the dismissed cause of action in subsequent complaints is either
11 impermissible or improper. Nor did the Ninth Circuit suggest that including the
12 dismissed claim requires this Court to again dismiss the cause of action it has already
13 dismissed. *See Taylor ex rel. Thomson v. Zurich Am. Ins. Co.*, No. CV11-08110-PCT-
14 JAT, 2013 WL 1340014, at *9 (D. Ariz. Apr. 1, 2013). Such a requirement would
15 undermine the Court's earlier ruling by suggesting the Court's earlier order of dismissal
16 was insufficient, and it would waste judicial resources. *Laney* and the other case cited
17 by the City do not suggest otherwise.

18 **V. CONCLUSION**

19 For the reasons set forth above, this Court should deny Defendant's Second
20 Motion to Dismiss.⁸

23 ⁷ Although the case was filed over ten months ago, the City continues to refuse to
24 commence discovery or even participate in a Rule 26 discovery conference.

25 ⁸ In the alternative, if Ktown for All and AREPS' claims under Section 1983 were
26 dismissed, the organizational plaintiffs still have causes of action in their direct and
27 representational capacity to enjoin an illegal expenditure of funds under Cal. Code of
28 Civ. P. § 526a. *See Blair v. Pitchess*, 5 Cal. 3d 258, 268 (1971) (en banc) (noting § 526a
is construed liberally, and the use of the time of officers in a city performing illegal or
unauthorized acts provides basis for injunction) (citing *Wrinn v. Horral*, 85 Cal. App.
497, 504-05 (1951)). As such, the organizational plaintiffs should be given leave to
amend to add these claims.

Dated: April 27, 2020

Respectfully submitted,
LEGAL AID FOUNDATION OF LOS ANGELES

/s/ Shayla Myers

Shayla Myers

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Local Rule 5-4.3.4 Attestation

I attest that Plaintiff's counsel, Shayla Myers and Catherine Sweetser, concurs in this filing's content and has authorized the filing.

DATED: April 27, 2020

KIRKLAND & ELLIS LLP

By: /s/ Benjamin Herbert

PROOF OF SERVICE

I, Stephanie Rosa, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On April 27, 2020, I served the following document(s) described as:

**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
SECOND AMENDED COMPLAINT**

on the interested parties in this action as follows:

☒ **CM/ECF electronic notification**

I am readily familiar with the ECF filing system and caused a true and correct copy thereof to be served electronically via CM/ECF electronic notification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 27, 2020, at Los Angeles, California.


Stephanie Rosa

EXHIBIT M

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, et al.,
Plaintiffs,

v.

CITY OF LOS ANGELES, et al.,
Defendants.

CV 19-6182 DSF (PLAx)

Order GRANTING in part and
DENYING in part Defendant's
Motion to Dismiss (Dkt. 57)

Defendant City of Los Angeles moves to dismiss the First through Fifth Causes of Action asserted by Plaintiff Ktown for All (KFA), the First through Third Causes of Action asserted by Plaintiff Association for Responsible and Equitable Public Spending (AREPS), and the Third Cause of Action asserted by Plaintiffs Janet Garcia, Gladys Zepeda, Miriam Zamoja, Ali El-Bey, Peter Diocson Jr., Marquis Ashley, and James Haugabrook. Dkt. 57 (Mot.). Plaintiffs oppose. Dkt. 59 (Opp'n). The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15.

I. FACTUAL BACKGROUND

In 2016, the Los Angeles City Council amended Los Angeles Municipal Code (LAMC) § 56.11 (the Ordinance). Dkt. 43 (SAC) ¶ 20. The City also adopted the Los Angeles Municipal Code 56.11 Standard Operating Protocols (the Protocols) regarding the implementation and enforcement of the Ordinance.¹ Id. ¶ 56. The Ordinance regulates the storage of personal property in public areas. Its stated purpose is to

¹ The Court GRANTS the City's unopposed request judicial notice, Dkt. 57-1 (RJN), of the Ordinance and the Protocols. Fed. R. Evid. 201(b).

“balance the needs of the residents and public at large to access clean and sanitary public areas . . . with the needs of the individuals, who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas.” LAMC § 56.11(1). In most situations, the City is authorized to impound personal property in a public area so long as the City provides pre-removal and post-removal notice. See, e.g., id. § 56.11(3)(a)-(b). In other situations, including where the property obstructs City operations or interferes with the City’s compliance with the Americans with Disabilities Act of 1990 (ADA), only post-removal notice is required to impound personal property. See, e.g., id. § 56.11(3)(c)-(f). There are also limited situations where the City can immediately destroy personal property without notice, including when the property “poses an immediate threat to the health or safety of the public,” id. § 56.11(3)(g), “constitutes evidence of a crime or contraband,” id. § 56.11(3)(h), or is a “Bulky Item” that is not “designed to be used as a shelter,” id. § 56.11(3)(i) (Bulky Item Provision). A Bulky Item is “any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch or wheelchair, that is too large to fit into a 60-gallon container with the lid closed,” but not “a container with a volume of no more than 60 gallons used by an individual to hold his or her Personal Property.” Id. § 56.11(2)(c). The Ordinance also makes it unlawful for any person to “willfully resist, delay or obstruct a City employee from removing or discarding a Bulky Item.” Id. § 56.11(10)(d). The City enforces the Ordinance through the Bureau of Sanitation (Sanitation) and the Los Angeles Police Department (LAPD), which conduct noticed cleanups and random rapid responses where personal property that does not comply with the Ordinance is seized or destroyed. SAC ¶¶ 21, 69; see also LAMC § 56.11(11).

II. LEGAL STANDARD

A. Rule 12(b)(1) Standard

The plaintiff bears the burden of establishing subject matter jurisdiction. Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994). Motions to dismiss for lack of subject matter jurisdiction

are governed by Rule 12(b)(1) of the Federal Rules of Civil Procedure. A Rule 12(b)(1) jurisdictional challenge may be facial or factual. Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004). In a facial challenge, the moving party asserts that the allegations in the complaint are “insufficient on their face” to establish federal jurisdiction. Id. “Whether subject matter jurisdiction exists therefore does not depend on resolution of a factual dispute, but rather on the allegations in [the] complaint.” Wolfe v. Strankman, 392 F.3d 358, 362 (9th Cir. 2004). The court accepts the allegations as true, and the plaintiff need not present evidence outside the pleadings. Id.

B. Rule 12(b)(6) Standard

Rule 12(b)(6) allows an attack on the pleadings for failure to state a claim on which relief can be granted. “[W]hen ruling on a defendant’s motion to dismiss, a judge must accept as true all of the factual allegations contained in the complaint.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam). However, a court is “not bound to accept as true a legal conclusion couched as a factual allegation.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)). “Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” Id. (quoting Twombly, 550 U.S. at 557) (alteration in original) (citation omitted). A complaint must “state a claim to relief that is plausible on its face.” Twombly, 550 U.S. at 570. This means that the complaint must plead “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at 678. There must be “sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively . . . and factual allegations that are taken as true must plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing party to be subjected to the expense of discovery and continued litigation.” Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011).

Ruling on a motion to dismiss will be “a context-specific task that requires the reviewing court to draw on its judicial experience and

common sense. But where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged – but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” Iqbal, 556 U.S. at 679 (alteration in original) (citation omitted) (quoting Fed. R. Civ. P. 8(a)(2)). As a general rule, leave to amend a complaint that has been dismissed should be freely granted. Fed. R. Civ. P. 15(a).

III. DISCUSSION

A. Associational Standing

In its prior Order, the Court concluded that neither KFA nor AREPS had sufficiently alleged associational standing and granted leave to amend. Dkt. 37 (12(b)(1) Order) at 18. The City again contends that the organizations lack associational standing. Mot. at 21-24. “[A]n association has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” Hunt v. Washington State Apple Advert. Comm’n, 432 U.S. 333, 343 (1977).

1. KFA

KFA alleges that its unhoused members “have been subjected to the City’s customs, policies[,] and practices, including the continued enforcement of LAMC 56.11,” “have suffered harm as a result of these customs, policies, and practices, including the loss of property and the deprivation of their constitutional and statutory rights,” and “have also had a difficult time participating in [KFA’s] advocacy efforts.” SAC ¶¶ 42, 43. KFA further alleges that those unhoused members “are at imminent risk of continued enforcement of LAMC 56.11, and as a result, the deprivation of their constitutional rights.” Id. ¶ 42.

The City challenges KFA's ability to satisfy Hunt's third prong. Mot. at 21.² KFA appears to assume that where an organization seeks only injunctive and declaratory relief but not damages, the third Hunt prong is necessarily satisfied. Opp'n at 7 (KFA has "clarif[ied] it is not seeking damages, and instead, seeks only injunctive and declaratory relief" which "is sufficient to meet the third prong under Hunt"). Some Ninth Circuit cases support that assumption. See, e.g., Columbia Basin Apartment Ass'n v. City of Pasco, 268 F.3d 791, 799 (9th Cir. 2001) ("Appellants request only injunctive and declaratory relief. Because these forms of relief do not require individualized proof, the third prong of the *Hunt* test is satisfied"). However, in Spinedex Physical Therapy USA Inc. v. United Healthcare of Arizona, Inc., 770 F.3d 1282 (9th Cir. 2014), an association of chiropractors sought declaratory and injunctive relief on behalf of its members for the defendant's allegedly improper practice of refusing to pay for certain therapies, or not paying enough for the therapies. Id. at 1292. The Ninth Circuit held that the third Hunt factor was not met because the complaint alleged "variations in payments wrongfully withheld, in the treatments for which payment has been withheld, and in the individual situations of [the organization's] members." Id. at 1293. In reconciling these two cases, the Court adopts the sensible position taken by the Third Circuit that so long as participation by each harmed member is not required, then the third prong is satisfied. Hosp. Council of W. Pennsylvania v. City of Pittsburgh, 949 F.2d 83, 89-90 (3d Cir. 1991) (third Hunt prong satisfied by organization asserting "a challenge to

² The City also contends that the SAC lacks sufficient details such as "when incidents involving KFA's unhoused members occurred, whether pre-removal or post-removal notice was provided, whether property [was] stored or discarded, if the property discarded was a bulky item, hazardous material, contraband, or other personal property, whether the property was blocking ADA-access or obstructing entrances, etc." Mot. at 17. As stated in the Court's prior order, KFA need not allege all of these specific details to sufficiently allege that its unhoused members would have standing at this stage of the proceedings. 12(b)(1) Order at 13. These questions, to the extent relevant to KFA's claims, can be answered in discovery.

alleged practices,” because even though the action might “require that member[s] provide discovery[] and trial testimony,” “an association may assert a claim that requires participation by *some* members” so long as it does not require participation of every aggrieved member).

“[A] plaintiff must demonstrate standing for each claim he seeks to press” and “for each form of relief sought.” DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 335 (2006). As to KFA’s facial claims, SAC ¶¶ 232-238 (First Cause of Action), ¶¶ 255-258 (Fourth Cause of Action), KFA contends “there is no question” that it can assert these claims because “facial challenges raise pure questions of law.” Opp’n at 8. The Court agrees. Int’l Union, United Auto., Aerospace & Agr. Implement Workers of Am. v. Brock, 477 U.S. 274, 287 (1986) (third Hunt prong met where “the suit raises a pure question of law”). The City contends that KFA does not have standing to assert facial claims because it has “housed and unhoused members and asserts rights for other unhoused residents.” Mot. at 22.³ But KFA need not establish that all of its members’ rights are violated and the Court does not read the SAC as asserting rights of nonmembers, though nonmembers would certainly benefit from the requested relief. KFA has associational standing to assert facial challenges to the Ordinance.

As to the other claims and related requests for relief, see SAC ¶¶ 239-247 (Second Cause of Action), ¶¶ 259-265 (Fifth Cause of Action), Prayer for Relief, the SAC is ambiguous as to the relief sought by KFA. Compare id., Prayer for Relief (seeking “a declaratory judgment that

³ The City also cites, without analysis, New York State Club Ass’n, Inc. v. City of New York, 487 U.S. 1 (1988), in which the Supreme Court found that an organization’s “facial challenge to the Law does not require the participation of individual members, since there is complete identity between the interests of the [organization] and those of its member[s] with respect to the issues raised in this suit, and the necessary proof could be presented ‘in a group context.’” Id. at 10 n.4. Contrary to the City’s presumed implication, New York State Club did not hold that “complete identity” of “interests” was required to bring a facial challenge, only that it was sufficient in that case to satisfy the third Hunt prong.

[the Ordinance] . . . as applied to Plaintiffs” is unconstitutional and “the City’s policies, practices, and conduct . . . violate Plaintiffs’ rights”), with id. ¶ 247 (KFA seeks “an injunction[] enjoining the City from continuing to engage in these customs, policies, and practices”), and id. ¶ 258 (KFA is “entitled to an injunction[] enjoining the City from continuing to enforce this unconstitutional law”). KFA clarifies in its brief that the Second and Fifth Causes of Action are based on a challenge to the City’s customs, policies, or practices and do not require “participation in the lawsuit of every individual who has ever had those policies and practices applied to them.” Opp’n at 8. It asserts that it need only “rais[e] a single incident . . . to hold the City liable under Monell.” Id. at 8-9. Accepting this clarification, the Court interprets KFA’s claims in the SAC as seeking only to obtain a ruling that the policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional.⁴ At this stage, this is sufficient to satisfy the third Hunt prong. See Pennsylvania Psychiatric Soc. v. Green Spring Health Servs., Inc., 280 F.3d 278, 286-87 (3d Cir. 2002) (third Hunt prong was satisfied at the motion to dismiss stage where the complaint challenged “the *methods* the [defendants] employ for making decisions,” which the plaintiff argued could be “established with sample testimony, which may not involve specific, factually intensive, individual medical care determinations”); Santiago v. City of Los Angeles, No. CV 15-08444-BRO (EX), 2016 WL 7176694, at *6 (C.D. Cal. Nov. 17, 2016) (while “injunctive or declaratory relief as to Defendants’ policies” does not require member participation, “individualized inquiries . . . to determine whether the seizure of each individual street vendor’s property was unlawful” would); Spinedex Physical Therapy USA, Inc. v. United Healthcare of Arizona, Inc., 661 F. Supp. 2d 1076, 1085 (D. Ariz. 2009), on reconsideration in part, No. CV-08-0457-PHX-ROS, 2009 WL 2710151 (D. Ariz. Aug. 26, 2009) (organization bringing claims for injunctive and declaratory relief satisfies third Hunt prong at motion to

⁴ To the extent KFA does seek a declaration that the City has unconstitutionally applied the Ordinance or related policies or practices to each of its members, the Court STRIKES that request.

dismiss stage “even if [the organizational plaintiff’s] claim required participation of most association members, . . . as long as the participation of *each* member is not required”). In other words, KFA may permissibly rely on participation of some members to establish the existence of a certain policy or practice without running afoul of the third Hunt prong. However, if it later becomes apparent that KFA will need to rely on the individual participation of each of its members, the Court will reevaluate standing at that time.

KFA has associational standing to assert claims on behalf of its members seeking declarations that certain Ordinance provisions and related practices and customs are unconstitutional and an injunction prohibiting enforcement of those provisions, practices, and customs. The Court DENIES the City’s Motion to Dismiss KFA for lack of standing.

2. AREPS

AREPS is an organization “of taxpayers in Los Angeles that was founded to ensure that their tax dollars are used to promote responsible public spending.” SAC ¶ 44. For example, it advocates for spending on “public health, housing, and other public infrastructure for all residents of Los Angeles, including its unhoused residents[,] and against the use of their tax dollars to enforce illegal laws that harm vulnerable residents of the City.” Id. AREPS identifies two of its members who were allegedly harmed by the City’s actions. Id. ¶¶ 45-46. In its prior Order, the Court concluded that AREPS had not sufficiently alleged associational standing based on its members’ status as taxpayers. 12(b)(1) Order at 15-18; see also Hunt, 432 U.S. at 343 (association does not have standing if its members do not have standing to sue in their own right). The City contends AREPS still has not met the first Hunt prong.

As stated in the Court’s prior Order, the Ninth Circuit has held that “the standing analysis in a non-establishment clause case” of “a county taxpayer challenging an allegedly illegal act of the county” is the same as the analysis for a state taxpayer; that is, the “taxpayer

must allege direct injury, pecuniary or otherwise to have taxpayer standing under Article III.” Villa v. Maricopa Cty., 865 F.3d 1224, 1229 (9th Cir. 2017) (quotation marks omitted) (quoting ASARCO Inc. v. Kadish, 490 U.S. 605, 613-14 (1989)). In Villa, the court of appeals held that allegations that “taxes have been used to finance Maricopa County officials who have ‘intercept[ed] communications in violation of Title III,’ is an insufficient allegation of direct injury within the meaning of Asarco.” Id. AREPS contends that it now alleges more than the plaintiff in Villa did. Opp’n at 11. AREPS alleges that “[a] portion of the City’s budget includes the cost of destroying property that is illegally seized from homeless residents.” SAC ¶ 87. Specifically, the City pays “tipping fees” to “dispose of items into local landfills” at a price of \$60 per ton. Id. Because the items “should not, and would not otherwise, have been seized in the first place . . . the more items that are unconstitutionally seized and destroyed, the more additional costs there are to the City, and therefore, to taxpayers.” Id. AREPS does not contend that the City would not otherwise pay the tipping fees, only that the City would pay lower tipping fees because there would be fewer tons of trash if items were not destroyed pursuant to the Bulky Item Provision. Accepting these allegations as true, the Court finds AREPS has adequately alleged that the City spent tax dollars solely attributable to the challenged conduct. See Doremus v. Bd. of Ed. of Borough of Hawthorne, 342 U.S. 429, 434 (1952) (plaintiff must “show[] a measurable appropriation or disbursement of [City] funds occasioned solely by the activities complained of”); Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789, 794 (9th Cir. 1999) (en banc) (“[W]hen a plaintiff has failed to allege that the government spent tax dollars solely on the challenged conduct, we have denied standing”).

The City next contends that even if AREPS can show injury, it cannot show that injury will be redressed by the declaratory and injunctive relief sought. Mot. at 24. “[T]o find redressability, a court must assume that, were the remedy the taxpayers seek to be allowed, ‘legislators will pass along the supposed increased revenue in the form of tax reductions.’” Arizona Christian Sch. Tuition Org. v. Winn, 563 U.S. 125, 136 (2011) (quoting DaimlerChrysler Corp., 547 U.S. at 344).

“It would be ‘pure speculation’ to conclude that an injunction against a government expenditure or tax benefit ‘would result in any actual tax relief’ for a taxpayer-plaintiff.” *Id.* (quoting *ASARCO*, 490 U.S. at 614). Assuming that the challenged Ordinance provisions were declared unconstitutional and enforcement enjoined, whatever savings might result would not necessarily be passed on to taxpayers. Instead, the City might spend the money on the presumably higher storage costs for unattended Bulky Items that can no longer be destroyed, or more frequent sweeps, or any number of other expenditures.

AREPS contends that “[t]axpayers are *not* required to show, as the City argues, that the City would refund them the money.” Opp’n at 12 (citing *Cammack v. Waihee*, 932 F.2d 765, 769 (9th Cir. 1991) and *We Are Am./Somos Am., Coal. of Arizona v. Maricopa Cty. Bd. of Supervisors*, 809 F. Supp. 2d 1084, 1111 (D. Ariz. 2011)). However, the Ninth Circuit’s position in *Cammack*, 932 F.2d at 769, that a taxpayer is not required to “prove that her tax burden will be lightened by elimination of the questioned expenditure,” relies on *Hoohuli v. Ariyoshi*, 741 F.2d 1169 (9th Cir. 1984), which has since been overruled. *Arakaki v. Lingle*, 477 F.3d 1048, 1062 (9th Cir. 2007) (“[T]he Supreme Court . . . effectively overrule[d] *Hoohuli*”). In *Arakaki*, the Ninth Circuit specifically noted that the Supreme Court’s decision in *DaimlerChrysler* was contrary to the prior Ninth Circuit rule that “did not require that the taxpayer prove that his tax burden would be lightened by the cancellation of the challenged expenditure.” *Id.* at 1062-63. It then applied *DaimlerChrysler* and found that “any benefit that would accrue to Plaintiffs from an injunction or declaratory judgement is speculative” because “[i]t is not certain that even if all funding for [the challenged expenditure] were terminated, that the Legislature would pass the savings on to the Plaintiffs in the form of tax breaks or refrain from spending the funds on [other] programs” *Id.* at 1064.⁵ Therefore, under *Arakaki*, taxpayers are in fact required

⁵ Additionally, *We Are America* relied on “the difference between the legal principles governing municipal taxpayer standing and those governing federal and state taxpayers” in reaching its conclusions. 809 F. Supp. 2d at

to show that the City would pass the savings on to AREPS's members. Because AREPS has not adequately alleged that fact, AREPS has not adequately pleaded associational standing and is DISMISSED with leave to amend. The Court will give AREPS one final opportunity to plead standing adequately, though it does not appear likely that it can do so.

B. Organizational Standing

In its prior Order, the Court addressed in detail each of the City's arguments against KFA's organizational standing and found that KFA established organizational standing under the Havens test.⁶ Dkt. 37 12(b)(1) Order at 6-11. The City now raises the entirely new argument that organizational standing under Havens applies only to "claims under federal statutes" and not claims based on the constitution. Mot. at 19. In support, the City relies on Lexmark Int'l, Inc. v. Static Control Components, Inc., 572 U.S. 118 (2014) and Bank of America Corp. v. City of Miami, Fla., 137 S. Ct. 1296 (2017). Both Lexmark and Bank of America involve the "zone-of-interests" test that courts use to determine what class of plaintiffs are authorized to bring statutory causes of action, separate and apart from Article III standing. See Lexmark, 572 U.S. at 127 (zone-of-interests test addresses "whether a legislatively conferred cause of action encompasses a particular plaintiff's claim"); Bank of America, 137 S. Ct. at 1302 (zone-of-interest test answers the question "whether the statute grants the plaintiff the cause of action that he asserts"). Neither opinion addressed whether the Havens test for Article III organizational standing is unavailable

1111. However, Villa makes clear that the Ninth Circuit no longer recognizes that distinction. 865 F.3d at 1229. This makes particular sense for the City of Los Angeles, which has a population greater than many states.

⁶ Applying Havens Realty Corp. v. Coleman, 455 U.S. 363 (1982), the Ninth Circuit has held that "[a]n organization suing on its own behalf can establish an injury when it suffered 'both a diversion of its resources and a frustration of its mission.'" La Asociacion de Trabajadores de Lake Forest v. City of Lake Forest, 624 F.3d 1083, 1088 (9th Cir. 2010) (quoting Fair Hous. of Marin v. Combs, 285 F.3d 899, 905 (9th Cir. 2002)).

for constitutional claims. And as subsequent Ninth Circuit cases show, the Article III standing analysis under Hunt and Havens is a completely separate inquiry from the zone-of-interests tests. See E. Bay Sanctuary Covenant v. Trump, 950 F.3d 1242, 1265-66, 1270 (9th Cir. 2020) (first analyzing whether the organizational plaintiffs had associational standing under Hunt or organizational standing under Havens and then separately analyzing the zone-of-interests test under the relevant statute at issue). KFA's organizational standing to bring constitutional claims under Article III is not limited by Lexmark and Bank of America.

C. Organizations' Assertion of Constitutional Claims

The bulk of the City's motion posits that even where an organization satisfies the standing requirements set out by Hunt or Havens, it nevertheless cannot state a claim for constitutional, and specifically Fourth and Fourteenth Amendment, violations where it is the constitutional rights of members or beneficiaries that were allegedly violated, rather than the rights of the organization itself. Plaintiffs contend the City has waived its ability to challenge the organizations' claims on these substantive grounds because it did not raise these arguments in its prior motion to dismiss. Opp'n at 20 (citing Fed. R. Civ. P. 12(g)).

Rule 12(g)(2) prohibits successive motions to dismiss that raise arguments that could have been made in a prior motion, but that does not mean that "[a] defendant who omits a defense under Rule 12(b)(6) – failure to state a claim upon which relief can be granted" – waives that defense. See In re Apple iPhone Antitrust Litig., 846 F.3d 313, 317-318 (9th Cir. 2017), aff'd sub nom. Apple Inc. v. Pepper, 139 S. Ct. 1514 (2019) ("a defendant who fails to assert a failure-to-state-a-claim defense in a pre-answer Rule 12 motion cannot assert that defense in a later pre-answer motion under Rule 12(b)(6)"). Although the Ninth Circuit is "generally [] forgiving of a district court's ruling on the merits of a late-filed Rule 12(b)(6) motion," and has recognized that "[d]enying late-filed Rule 12(b)(6) motions and relegating defendants to the three procedural avenues specified in Rule 12(h)(2) can produce unnecessary

and costly delays,” *id.* at 318-19, the Court does not believe judicial economy outweighs the policy reasons behind Rule 12(g) in this case. The Court is not persuaded by the City’s bare assertion that “it is in the interest of judicial economy to consider the failure-to-state-a-claim arguments at this stage of the litigation.” Dkt. 60 (Reply) at 12. The Court therefore DENIES the City’s motion to the extent it raises defenses not raised in its prior 12(b)(6) motion, without prejudice to the City raising those issues again in a manner authorized by Rule 12(h)(2).

D. Void for Vagueness (Third Cause of Action)

As both parties acknowledge, Mot. at 18; Opp’n at 22, the Ninth Circuit does not require “claims dismissed with prejudice and without leave to amend” to “be repled in a subsequent amended complaint to preserve them for appeal.” *Lacey v. Maricopa Cty.*, 693 F.3d 896, 928 (9th Cir. 2012). Nevertheless, Plaintiffs decided to include in the SAC the Third Cause of Action, which was previously dismissed with prejudice, “to preserve all rights,” but acknowledged that “this cause of action is no longer part of this litigation.” SAC at 54 n.27. This claim should not have been included in the SAC. The City now requests that the Court “dismiss this claim again with prejudice.” Mot. at 18. Plaintiffs’ unnecessary inclusion of this claim does not revive it. The Court strikes the Third Cause of Action. This claim may not be repled.

IV. CONCLUSION

The City’s motion to dismiss for lack of standing is GRANTED in part and DENIED in part. The First and Second Causes of Action are DIMISSED as to AREPS with leave to amend. The Court strikes the Third Cause of Action. The City’s motion to dismiss is otherwise DENIED.

An amended complaint must be filed no later than June 29, 2020. Failure to file by that date will waive the right to do so. The Court does not grant leave to add new defendants or new claims. Leave to add new defendants or new claims must be sought by a properly-noticed

motion. Plaintiffs are ordered not to include any claims that have been dismissed with prejudice.

IT IS SO ORDERED.

Date: June 2, 2020



Dale S. Fischer

United States District Judge

EXHIBIT N



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Our File Number 19-1306127

VIA EMAIL

July 28, 2020

Scott Marcus
Gabriel Dermer
Patricia Ursea
Felix Lebron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

RE: *Garcia v. City of Los Angeles*; Case No. 2:19-cv-06182

Dear Counsel,

As you know, we were surprised when we received your portion of the Rule 26 conference report at 5:19 p.m. yesterday, that it included a statement that you intended to seek an order from the Court, allowing the City to produce most, if not all, electronic discovery in PDF format. We were even more surprised by the City's additional substantive edit to our revised draft, in which you added that "Defendant and Plaintiffs met and conferred regarding these issues during the July 13 conference of counsel." None of Plaintiffs' four attorneys who participated in the conference recall discussing this issue, even though it obviously would have been a significant point of discussion for the parties. But given that we did not receive this edit until 9:50 p.m., debating this point last night would have put us at risk of missing the Court's deadline for filing the joint Rule 26 report.

Since the parties have now indicated that we met and conferred on this point, we suggest the parties actually do so. Regardless of whether we classify it as a further discussion or an initial discussion, it is our hope that by discussing this issue now, we can reach a resolution on this issue before the status conference next Monday.

As a starting point for that discussion, we are amenable to limiting the types of documents that should be produced in native format. It is our hope that we can reach an agreement on 1) categories of documents that must be produced in native format and 2) a format for the production of all other documents. We propose the following:

- In general, electronically stored information (such as e-mails) will be produced in the following format: single page TIFFs, searchable Unicode Text Files, an Unicode delimited searchable metadata file (.dat file), and an image load file that can be loaded into commercially, acceptable production software (e.g., Relativity). This is a very common format for the production of documents and will substantially reduce the number of native documents produced.

- The following documents shall be produced in native format: 1) documents that are substantially different when viewed in native form rather than image form; 2) documents that are substantially easier to view in native form than image form, or 3) documents where the production of a TIFF image file format would be impossible or impracticable. This includes the following non-limiting list of examples: spreadsheets (e.g., Excel and Google Sheets), presentations (e.g., PowerPoint), word documents with track changes, audio files, videos, and animations.

With regards to data stored in databases, we still need further information from the City to understand its view that it would be more burdensome to simply export and produce raw data, rather than individual reports. As you know, Rule 26 provides that “parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case.” We obviously disagree about what is proportional to the needs of the case but the rule also counsels that proportionality is a balancing test and burden is a relevant consideration.

Plaintiffs propounded our requests for production in October 2019 to lay out what Plaintiffs felt was relevant and proportional to the case. From our conversations about the City’s unwillingness to conduct the Rule 26 conference, it is clear the City views these initial requests as “burdensome.” As such, we were prepared at the Rule 26 conference to discuss these issues. From our perspective, we did not receive answers from the City that are necessary for us to evaluate Defendant’s claim of burden, and therefore, proportionality. In order to move this discussion forward, we would appreciate answers to the questions we posed during our call:

1. Which databases does the City have that are responsive to Plaintiffs’ requests?
2. How are those databases stored?
3. What reports are generated from the databases?
4. To the extent the City contends that the production of the raw data and database would be burdensome, please explain what, in the City’s view, makes the production burdensome.

We suggest the parties discuss these issues and any other outstanding issues related to ESI that could be addressed via further discussion on a call this week. We are available on Thursday, July 30 before 11 a.m. or after 1:00 p.m., and Friday, July 31 from 9:00 a.m. to 1:00 p.m.

We look forward to conferring about these particular points.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Myers", written in a cursive style.

Shayla Myers

EXHIBIT O

Re: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182

Felix Lebron <felix.lebron@lacity.org>

Tue 7/28/2020 4:54 PM

To: Shayla R. Myers <SMyers@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Onufer, Michael <michael.onufer@kirkland.com>

Cc: Patricia Ursea <patricia.ursea@lacity.org>; Scott Marcus <Scott.Marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>

Counsel,

The City is preparing a list of discovery issues to address in a meet-and-confer process in the context of a motion for protective order, which will include ESI-related issues raised in your correspondence. The meet-and-confer discussion must be conducted as part of the larger discussion regarding the scope and breadth of the document requests. I'm still working on the list of discovery issues for the meet-and-confer discussion, which will correspond to the City's responses and objections to the RFPs due in mid-August. I've got a hearing Thursday morning in another case and am working on the City's MJOP this week, which the City plans to file next Monday. The City will coordinate a mutually convenient future date and time for the meet-and-confer regarding discovery issues.

On a follow-up note, the City will be noticing the hearing on the MJOP for August 31, 2020. During the parties' LR 7-3 meet-and-confer regarding the MJOP, I agreed to check with plaintiffs' counsel regarding any conflicts with the hearing date before filing the motion. Please confirm whether plaintiffs have any conflicts on August 31, 2020.

We appreciate plaintiffs' cooperation on these issues.

Best regards,
Felix

Felix Lebron
Deputy City Attorney
Office of the Los Angeles City Attorney
Business and Complex Litigation
200 N. Main Street, Rm 675
Los Angeles, CA 90012
Tel: (213) 978-7559
email: felix.lebron@lacity.org

On Tue, Jul 28, 2020 at 4:04 PM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

Attach please find correspondence regarding the above-referenced case.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



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EXHIBIT P



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Our File Number 19-1306127

VIA EMAIL ONLY

July 30, 2020

Patricia Ursea
Felix Labron
Gabriel Dermer
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

Counsel,

We have reviewed the City's proposed phasing of discovery and trial, and now Mr. Lebron's email stating his view that Ktown for All would be dismissed from this case if the City were to prevail on its motion regarding Ktown for All's claims under 42 U.S.C. Section 1983. The City's position with respect to both issues, as well as some of its positions regarding the scope of discovery appear to result from its misconception of Plaintiffs' claims and the relief they are seeking. Specifically, neither position takes into account all Plaintiffs' requests for declaratory judgment and injunctive relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a), 2202.

The Declaratory Judgment Act allows a party that has Article III standing to seek a declaratory judgment and injunctive relief related to the "actual controversy" that conferred Article III standing. 28 U.S.C. § 2201(a). That is what Ktown for All seeks here. As you note in the status conference report, the Court correctly interpreted "KFA's claims in the SAC as seeking only to obtain a ruling that the policies and practices are unconstitutional and not that each past application of those practices to its members was unconstitutional." *See* Dkt. No. 65 at 7. Likewise, the other Plaintiffs also seek the same relief. This relief—a declaratory judgment and an injunction—is not based solely on the individual incidents enumerated in the Second Amended Complaint ("SAC")—in fact, the Court struck any possible claims by Ktown for All that related to individual incidents, *see* Dkt. No. 65 at 7 n. 4. Instead, the request relates to the City's policies and practices and its ongoing enforcement of LAMC 56.11. For that matter, to seek declaratory and injunctive relief, Plaintiffs are not required to show that they were subjected to unlawful enforcement, only that they are at risk of imminent harm. The same is true when an organization challenges the constitutionality of an ordinance on behalf of its members. *See United Food and Commercial Workers Intern. Union, AFL-CIO, CLC v. IBP, Inc.*, 857 F.2d 422, 427 (8th Cir. 1988).

As we understand the City's contemplated Motion for Judgement on the Pleadings, it relates to Ktown for All's claims under 42 U.S.C. Section 1983. If the City prevails on this motion, it will not

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Page 2 of 3

Letter to City of Los Angeles

re: Scope of SAC and Proposal for Phased Trial

impact Ktown for All's claim for relief under 28 U.S.C. 2201. This Court has thrice ruled that Ktown for All has properly pled standing to challenge the City's policies and practices related to the enforcement of LAMC 56.11. This is all that is required under the Declaratory Judgments Act for Plaintiffs to seek a declaration and corresponding injunctive relief related to the "case or controversy" that gives Plaintiffs Article III standing. *See Societe de Conditionnement en Aluminium v. Hunter Engineering Co., Inc.*, 655 F.2d 938, 942 (9th Cir. 1981). While we understand the City continues to dispute the Court's rulings on Ktown for All's standing, as of now, this remains a viable basis for Ktown for All's continued litigation against the City. *See County of Santa Clara v. Trump*, 267 F.Supp.3d 1201, 1215–16 (N.D.Cal., 2017)(as long as plaintiff satisfies the case or controversy requirement, it need not have "some other independent statutory right to bring a plausible claim for declaratory relief").

We also believe that the City's proposed phasing is predicated on the same misconception of Plaintiffs' claims for relief. Since Ktown for All and the individual Plaintiffs' request for a declaratory injunction and injunctive relief do not rest on the individual incidents specifically enumerated in the complaint, we do not see how the City's proposed phasing would preserve resources or eliminate the need for discovery. Having a two-phased trial would be duplicative because evidence of the individual incidents that would be raised in the first phase would still be relevant in the second phase. And in order to adjudicate Plaintiffs' request for a declaratory judgment and injunctive relief, the second phase would be inevitable, regardless of the rulings on the individual causes of action.

Phasing discovery would be not only duplicative and inefficient for the same reason as a phased trial, but it would also be unworkable here, given the already extremely contentious nature of this case. This is demonstrated most clearly by the parties' inability to agree even about the scope of past efforts to meet and confer. Dividing up discovery into phases would inevitably lead to more disputes about the scope of phased discovery, in addition to the scope of discovery. Rather than eliminating the need for court intervention, it would exacerbate it.

Plaintiffs appreciate Ms. Ursea's attempt to consider ways to preserve resources, but this proposal would not do so. We remain open to revisiting this question in the future, if it appears that bifurcating the individual damages claims would be helpful or if resolving any of the questions posed by Plaintiffs' declaratory relief action would eliminate the need for further litigation. But at this point, we believe it is unnecessary and premature to decide any of these issues now.

Finally, it appears that many of the disputes between the parties related to the scope of discovery stem from the City's limited view of this litigation and Plaintiffs' complaint. While it is our view that the SAC speaks for itself and is more than sufficient to meet the notice pleading standard under Rule 8 of the Federal Rules of Civil Procedure, *see e.g., County of Santa Clara*, 267 F.Supp.3d at 1215, we are hopeful that at least some of the disagreements between the parties stem from the City's misconceptions about the scope of the case, which should be clarified by this letter.

If the City disagrees with any of these points, please let us know so we can meet and confer about these disputes. We strongly contend that the SAC is sufficient, and nothing about this request should be construed as waiving any argument to that point. But it is clear that the parties have considerable disputes about this case, and we are amenable to attempting to resolve some of those

Page 3 of 3

Letter to City of Los Angeles

re: Scope of SAC and Proposal for Phased Trial

disputes in order to preserve judicial resources by preventing unnecessary motion practice. We request the City do so prior to filing its motion for judgment on the pleadings.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Myers". The signature is fluid and cursive, with a large, stylized "S" at the beginning and a long, sweeping underline.

Shayla Myers

Legal Aid Foundation of Los Angeles

Benjamin Herbert

Kirkland & Ellis LLP

Michael Onufer

Kirkland & Ellis LLP

Catherine Sweetser

Schonbrun Seplow Harris Hoffman and Zeldes LLP

EXHIBIT Q

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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August 24, 2020

VIA EMAIL

Patricia Ursea
Gabriel Dermer
Felix Lebron
Scott Marcus
Office of the City Attorney
200 North Main Street, 6th Floor
Los Angeles, CA 90012

Re: *Garcia v. City of Los Angeles; Case No. 2:19-cv-06182*

Dear Counsel:

I write in advance of our meet and confer on Tuesday, August 25, 2020, regarding the Defendant City of Los Angeles' ("the City") Responses and Objections to Plaintiff Ali El Bey's Requests for Production of Documents - Set One ("RFP Responses"). The City's RFP Responses and its document production are deficient. Plaintiffs will raise the deficiencies identified below during the meet and confer.

1. Form of Electronic Discovery

First, the City recently produced 12 PDF files and one excel file in response to Plaintiff El Bey's RFPs. The City, however, provided no metadata for any of the produced files. And the PDF files contain numerous distinct documents, in no apparent order. Many documents also lack dates. This document production is improper. Indeed, the City's production makes it extremely difficult to even authenticate the documents it has produced, much less obtain additional discovery based on the production. As another example, the PDF beginning with Bates No. CTY004316 contains what appears to be electronic highlighting. Absent metadata, Plaintiffs have no means of determining where these annotations came from and why they were part of the City's production.

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Office of the City Attorney
August 24, 2020
Page 2

In response to the City's objection to production of all native files, Plaintiffs have requested the City produce all discovery in this litigation in accordance with commonly accepted e-discovery methods, including production of hardcopy documents and electronically stored information in the following format: single page TIFFs, searchable Unicode Text Files, an Unicode delimited searchable metadata file (.dat file), and an image load file that can be loaded into commercially acceptable production software (*e.g.*, Relativity).¹ ESI shall be produced electronically, as single-page CCITT Group IV TIFF files of not less than 300 dpi resolution, with a corresponding load file ("Image Load File"). Images shall be accompanied by text files containing the extracted text on a document basis, if reasonably available, and named to match the endorsed Bates number assigned to the image of the first page of the document. Hard-copy paper documents, moreover, will be produced in electronic form as rendered text searchable via OCR or other means. These documents should be produced in electronic form in single-page TIFF files with full unitization and corresponding load files. Metadata for these documents should include, at a minimum, to the extent reasonably available, a custodian and/or custodial source.

2. Scope of Discovery

The City frequently objects to Plaintiff's requests on the basis that "the Request seeks documents that are not relevant to Plaintiff El-Bey's specific claims alleged in the Second Amended Complaint (Dkt. No. 42, "SAC") . . . [and] that the Request is overbroad to the extent that it seeks documents relating to any individual plaintiff other than Plaintiff El-Bey." *E.g.*, Response to Request for Production No. 1. This objection is improper.

As an initial matter, Mr. El Bey along with the other plaintiffs seek a declaratory judgment and injunctive relief regarding the City's policies and practices of enforcing LAMC 56.11 and seizing and destroying homeless people's belongings in violation of the U.S. and California Constitutions. As such, documents related to the City's general enforcement of 56.11, even if not related to Plaintiff El Bey's two specific incidents outlined in the SAC, are nonetheless relevant to, at least, his claims for prospective relief, in addition to establishing the City's

¹ The exception to this format is for: 1) documents that are substantially different when viewed in native form rather than image form; 2) documents that are substantially easier to view in native form than image form; or 3) documents where the production of a TIFF image file format would be impossible or impracticable. This includes the following non-limiting list of examples: spreadsheets (*e.g.*, Excel and Google Sheets), presentations (*e.g.*, PowerPoint), word documents with track changes, audio files, videos, and animations. For these types of documents, they should be produced in native format with a corresponding slip sheet, indicating that the document was produced natively, that contains the document's metadata.

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Office of the City Attorney
August 24, 2020
Page 3

liability for the individual employees actions under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).²

In addition, Plaintiffs propounded a single set of RFPs from one Plaintiff to obtain documents relevant to and to be used during the litigation by all Plaintiffs. This is the most efficient method for conducting discovery in this case. Given the City's refusal to produce significant discovery as well as its inclusion of subsequent objections that refer to the other plaintiffs and Ktown for All, it is unclear the extent to which the City is relying on this objection to withhold responsive documents. We request you clarify if the City is limiting its production based on this objection. If the City stands on these objections, Plaintiffs will propound individual sets of discovery requests for each Plaintiff, which the City will then have to respond to on an individual basis. This outcome puts form over substance and is not an efficient use of either parties' time or resources.

The City repeatedly "objects that the Request is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing any such proposed discovery outweighs the benefit of such information for Plaintiff El Bey's specific claims alleged in the SAC. *E.g.*, Response to Request for Production No. 1. Based on prior communications and the City's responses to these RFPs, it is clear the parties disagree about the scope of this litigation, but putting that disagreement aside, it is unclear from the information provided what the burden is to the City, such that Plaintiffs can engage in a good faith assessment of the balancing test required under Rule 26.

In some instances, the City also provides a description of the process required "to search for and obtain documents responsive to the Request" in an attempt to demonstrate the "costs or expense in conducting the search and producing documents" *E.g.*, Response to Request for Production No. 2. The City's description, however, does not indicate the time required for conducting this process, its cost, or provide other information necessary for Plaintiffs to assess whether, as the City alleges, "the burden of searching for and producing any such proposed discovery outweighs the benefit of such information for Plaintiff El Bey's claims and Defendant's costs or expense in conducting the search and producing documents greatly exceeds

² The City misconstrues Plaintiffs' statement, and the Court's acceptance of that statement, that a plaintiff need only raise a single incident to hold the City liable under *Monell*. This statement relates to the claims that must be pled, which is what was at issue in the City's Motion to Dismiss, not to the evidence that can be used to prove *Monell* liability, which is at issue here. Plaintiffs went on to argue that individual members may participate as witnesses, not as parties. Similarly here, Plaintiffs are not seeking to hold the City liable for other past incidents, but the other incidents are of course relevant to the question whether the City has a custom, pattern, or practice of violating people's rights. It is especially relevant here, where the City alleges it has a written policy, but Plaintiffs allege in part that the City's practices and customs diverge from that policy.

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Office of the City Attorney
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Page 4

the amount in controversy for Plaintiff's alleged damages." *E.g.*, Response to Request for Production No. 2. As you know, Plaintiffs' attempted to have this discussion during the parties' Rule 26(f) conference, but the City was unprepared to have the discussion. Please be prepared at Tuesday's meet and confer to discuss this topic in detail, including the actual time and effort required to perform all of the steps outlined in the processes described in the RFP Objections.

The City also provided a description of the process for searching for emails within its archives. *E.g.*, Response to Request for Production No. 16. Followed by an objection "that the Request seeks documents that are not reasonably accessible based on the undue burden and costs associated with searching for and producing documents and electronically stored information responsive to this Request for the reasons described above." *Id.* The City then, in many instances, refuses to provide responsive documents. *E.g.*, Response to Request for Production No. 23. In a few instances, however, the City indicates it will produce non-privileged responsive documents "in the form maintained in the Defendant's ordinary course." *E.g.*, Response to Request for Production No. 16. Please be prepared to clarify whether the City is refusing to produce any responsive email, and if so, be prepared at Tuesday's meet and confer to discuss the actual time and effort required to perform all of the steps outlined in the process described in the RFP Objections.

3. Scope of Specific Responses

City has refused to produce any documents responsive to fourteen of Plaintiffs' RFPs. *E.g.*, Response to Request for Production No. 9 ("Without waiving any, and based on these objections, no documents will be produced in response to this Request."). In addition, the City has severely limited the documents it will produce in response to at least 21 other requests. *E.g.*, Response to Request for Production Nos. 21 and 24 (in response to RFP for all forms used by City as part of cleanups or storage of personal property, "Defendant will produce a copy of the form of post-removal notice and chain-of-custody form used for removed property during encampment cleanups occurring on or after January 1, 2019"). The City did not indicate its willingness to meet and confer about a scope for these RFPs that the City would be willing to produce responsive documents for. Please be prepared to have this discussion during Tuesday's meet and confer.

The City also objects that some of Plaintiff's requests are unreasonably cumulative and/or could be obtained through other less costly means. Specifically, as to Request Nos. 16 through 20, by which Plaintiffs requested training materials, the City "objects that discovery regarding the training of particular individuals involved in Plaintiff El-Bey's specific incidents can be obtained through other means that are less burdensome, less costly, and more convenient." To Request Nos. 42 through 49, by which Plaintiffs seek information regarding the location, capacity,

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Office of the City Attorney
August 24, 2020
Page 5

documentation, and amounts of personal property taken to, stored by, or destroyed at storage facilities pursuant to encampment cleanups and enforcement of 56.11, Defendant City “objects that the proposed discovery is unreasonably cumulative and can be obtained through less burdensome and less expensive means.” Without waiving any arguments, Plaintiffs are open to discussing other methods of obtaining this information, and request the City be prepared to meet and confer about those methods during Tuesday’s call.

4. Written Responses

The City has not provided a clear statement about the documents it intends to produce or to what extent the City is withholding responsive documents. Where the City has agreed to provide some responsive documents, the City has also included significant objections, and it is unclear from the written response the extent to which the City is providing all responsive documents or limiting the production based on the objections. For example, the City has generally agreed to produce policy documents (Request Nos. 11-15) and some training materials (Request Nos. 16-20), but the City has not agreed to produce all responsive documents in its responses, and as such, Plaintiffs have no way of knowing what documents, if any, the City is withholding. We request the City provide clarification about its responses.

5. Privilege Log

The City has objected to a number of requests on the basis of privilege, but has not provided a privilege log. Please let us know on Tuesday the timing of the City’s production of a privilege log.

Sincerely,

/s/ Benjamin Allen Herbert

Benjamin Allen Herbert

BAH/al

EXHIBIT R

Subject: RE: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182
Date: Monday, August 24, 2020 at 2:06:19 PM Pacific Daylight Time
From: Herbert, Benjamin Allen
To: Felix Lebron, Gabriel Dermer, Patricia Ursea, Scott Marcus
CC: Shayla R. Myers, Catherine Sweetser, Onufer, Michael, Jessica Mariani, Blake, Sam
Attachments: image001.png, B. Herbert Letter to City Attorney's Office re 8.25.2020 Meet and Confer.pdf

Counsel,

Please see attached. In addition, we can use this number for tomorrow's meet and confer:

INTERCALL Personal Conference Call Number

Dial-In Number (US & Canada): +1-866-331-1856
Dial-In Number (International): +1-281-913-1081

Conference Code: 9892244225

one click: +1-866-331-1856,,9892244225#

- Ben

Benjamin Herbert

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benjamin.herbert@kirkland.com

From: Herbert, Benjamin Allen
Sent: Friday, August 21, 2020 9:15 AM
To: 'Felix Lebron' <felix.lebron@lacity.org>
Cc: Shayla R. Myers <SMyers@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Onufer, Michael <michael.onufer@kirkland.com>; Patricia Ursea <patricia.ursea@lacity.org>; Scott Marcus <Scott.Marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>
Subject: RE: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182

Felix,

3 pm on Tuesday works for Plaintiffs. RE reaching out to Magistrate Judge Abrams' chambers, we are fine with you sending his chambers an email, ccing us.

- Ben

Benjamin Herbert

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From: Felix Lebron <felix.lebron@lacity.org>
Sent: Wednesday, August 19, 2020 5:43 PM
To: Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>
Cc: Shayla R. Myers <SMyers@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Onufer, Michael <michael.onufer@kirkland.com>; Patricia Ursea <patricia.ursea@lacity.org>; Scott Marcus <Scott.Marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>
Subject: Re: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182

Ben,

Yes, I'm working on the City's meet-and-confer letter regarding the City's motion for protective order, which has been delayed in part due to the contempt issues the parties are addressing. In any event, I'm available to conduct a meet-and-confer call on Tuesday, August 25, in the afternoon at or after 2:00 p.m. I'll send the City's meet-and-confer letter on or before next Monday.

In addition, I previously proposed trying to conduct an informal discovery conference with MJ Abrams, which is a more efficient way to resolve or narrow discovery issues before commencing motion practice under L.R. 37 for discovery issues that the parties cannot resolve informally. Plaintiffs indicated that they were not opposed to conducting an informal discovery conference, but did not know whether MJ Abrams conducted such conferences. Would Plaintiffs have any objections to the City contacting MJ Abrams court clerk to inquire into whether MJ Abrams would even conduct such a conference and, if so, any requirements for doing so? The City would copy plaintiffs' counsel on any communications to the clerk regarding this issue.

Please confirm what time Plaintiffs are available to conduct the meet-and-confer call next Tuesday afternoon. In addition, we appreciate getting back to us regarding the informal discovery conference.

Thanks,
Felix

Felix Lebron
Deputy City Attorney
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Tel: (213) 978-7559
email: felix.lebron@lacity.org

On Wed, Aug 19, 2020 at 12:03 PM Herbert, Benjamin Allen <benjamin.herbert@kirkland.com> wrote:

Counsel,

It has been three weeks since Mr. Lebron committed to “schedule a mutually convenient future date and time to conduct the meet-and-confer call regarding discovery issues” associated with ESI and Plaintiffs’ requests for production, which were served in October 2019. To date, however, the City’s attorneys have not provided their availability for the meet-and-confer. Please provide your availability for the meet-and-confer on either Monday, August 24, or Tuesday, August 25. In addition, please provide a list of the issues the City’s attorneys would like to discuss at least 24 hours before the meet-and-confer, and we will do the same.

We appreciate your cooperation and prompt response to this matter.

Best,

- Ben

Benjamin Herbert

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benjamin.herbert@kirkland.com

From: Shayla R. Myers <SMyers@lafla.org>

Sent: Thursday, July 30, 2020 2:28 PM

To: Felix Lebron <felix.lebron@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>;

Catherine Sweetser <catherine.sdshhh@gmail.com>; Onufer, Michael <michael.onufer@kirkland.com>

Cc: Patricia Ursea <patricia.ursea@lacity.org>; Scott Marcus <Scott.Marcus@lacity.org>; Jessica Mariani

<jessica.mariani@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>

Subject: Re: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182

Counsel,

Thank you for agreeing to the timing of the hearing on the MJOP. We disagree with many of the statements in your last email, but since it seems we will be unable to meet to discuss the format of ESI before the status conference on Monday, it's largely irrelevant. We do think it would be more productive to discuss the format of ESI prior to the date the City's production is due, but we expect you'll let us know when you think such that discussion is appropriate.

We attach correspondence to address Mr. Lebron's further point and Ms. Ursea's proposal to phase

discovery and trial.

Thanks,

Shayla Myers | Senior Attorney

Legal Aid Foundation of Los Angeles

7000 S. Broadway | Los Angeles, CA 90003

213.640.3983 **direct** | 213.640.3988 **facsimile**

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From: Felix Lebron <felix.lebron@lacity.org>

Sent: Wednesday, July 29, 2020 6:30 PM

To: Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Shayla R. Myers <SMyers@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Onufer, Michael <michael.onufer@kirkland.com>

Cc: Patricia Ursea <patricia.ursea@lacity.org>; Scott Marcus <Scott.Marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>

Subject: Re: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182

Counsel,

We disagree with plaintiffs' assessment. The City will schedule a mutually convenient future date and time to conduct the meet-and-confer call regarding discovery issues as noted in my last email. I've already indicated that I'm unavailable this week based on my own scheduling issues. Moreover, plaintiffs served the draft joint Rule 26 report at the close of business on Friday when the report was due the next business day. The report did not accurately reflect the parties' July 13 meet-and-confer discussion and contained material misstatements, like the statement that no discovery had occurred when the City produced over 4,000 pages of the documents and plaintiffs filed a discovery motion that was denied. The City limited its comments to the joint report because of the time constraints, but included an accurate description regarding the status of discovery. Plaintiffs then decided to revise the joint statement and sent us a revised draft after 8:00 p.m. the day the statement was due. Plaintiffs' revised draft included a statement that the City declined to discuss ESI during the July 13 conference call. That is also a misstatement because the parties discussed ESI. Plaintiffs may not have been satisfied with the extent of the discussion on July 13, but the discussion nonetheless occurred. The City then had to respond to plaintiffs' revised joint rule 26 report received after 8:00 p.m. the day of the filing. The City lacked sufficient time to respond to plaintiffs' new contentions, and indicated that the parties did discuss ESI during the meet-and-confer call, rather than including a substantially longer and accurate narrative of the substance of the July 13 call. We can address the timing issues with the Court during the scheduling conference if plaintiffs want to raise issues regarding the form or content of the joint Rule 26 report. We can also arrange to have a court reporter

transcribe future meet-and-confer calls if this is going to be an ongoing issue. That should not be necessary.

On the City's MJOP, we disagree with plaintiffs' contention that the motion will not affect the scope of the litigation or discovery. An order granting judgment on the pleadings dismissing KFA would mean that the case involves only the specific incidents and claims for the seven individual named plaintiffs. That said, the City agreed to accommodate plaintiffs' counsel schedule on the hearing date during the L.R. 7-3 meet-and-confer call regarding the MJOP. The City will notice the hearing on the MJOP for September 14, 2020, as plaintiffs requested, instead of noticing the hearing on August 31, 2020 as originally planned. We would appreciate it if plaintiffs would similarly respect the City's scheduling conflicts going forward when we indicate that we are unavailable.

We appreciate plaintiffs' cooperation on these matters.

Best Regards,
Felix

Felix Lebron
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Tel: (213) 978-7559
email: felix.lebron@lacity.org

On Wed, Jul 29, 2020 at 10:25 AM Herbert, Benjamin Allen <benjamin.herbert@kirkland.com> wrote:

Felix,

Your email raised two distinct issues, which we address in turn. First, re meeting and conferring, your email conflates two distinct issues. Then you unilaterally assert that the meet and confer we requested "must be conducted as part of the larger discussion regarding the scope and breadth of the document requests." We disagree. The agreed upon format for all electronic discovery exchanged in this litigation—which will be incorporated into the parties' discovery plan—the subject of our meet and confer request, is separate and distinct from the "City's responses and objections to the [Plaintiffs'] RFPs due in mid-August" and possible "motion for protective order," the subject of the City's meet and confer request. Because the discovery plan will specify the format for all electronic discovery exchanged in this litigation, moreover, our requested meet and confer must occur prior to the scheduling conference with the Court on Monday, August 3, 2020. Of course, we are happy to discuss the issues associated with the City's responses and objections to Plaintiffs' RFPs served in October 2019 on either Thursday or Friday. Indeed, we think it would be helpful to do so since any compromise we reach should help facilitate the production of responsive documents. But, we cannot postpone meeting and conferring on issues related to the format for electronic discovery until after the scheduling conference with the Court. As you know,

the parties' Rule 26(f) Joint Discovery Plan represents that "Defendant and Plaintiffs met and conferred regarding these issues during the July 13 conference of counsel." Dkt. 76 at 15. We do not want to inform the Court at the scheduling conference that this was incorrect and that the City refused to meet and confer on this subject, since meeting and conferring may actually eliminate many issues in dispute.

Second, re the City's MJOP, thank you for checking with us about conflicts related to a possible August 31, 2020 hearing. This hearing date presents significant difficulties for Plaintiffs' counsel. This hearing date would make Plaintiffs' opposition to the City's MJOP due on Monday, August 10, 2020. And, Plaintiffs' answering brief in the City's 9th Cir. appeal of the Court's preliminary injunction is due four days later, on Friday, August 14, 2020. Given the proximity of these two filings, Plaintiffs' counsel request that the City schedule its MJOP for a hearing on September 14, 2020. The City, moreover, would not be prejudiced by delaying the hearing on its MJOP by two weeks because, even if the motion is successful, it will not affect the the scope of the litigation.

Best,

- Ben

Benjamin Herbert

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benjamin.herbert@kirkland.com

From: Felix Lebron <felix.lebron@lacity.org>

Sent: Tuesday, July 28, 2020 4:54 PM

To: Shayla R. Myers <SMyers@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Onufer, Michael <michael.onufer@kirkland.com>

Cc: Patricia Ursea <patricia.ursea@lacity.org>; Scott Marcus <Scott.Marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>

Subject: Re: Garcia v. City of Los Angeles, Case No. 2:19-cv-06182

Counsel,

The City is preparing a list of discovery issues to address in a meet-and-confer process in

the context of a motion for protective order, which will include ESI-related issues raised in your correspondence. The meet-and-confer discussion must be conducted as part of the larger discussion regarding the scope and breadth of the document requests. I'm still working on the list of discovery issues for the meet-and-confer discussion, which will correspond to the City's responses and objections to the RFPs due in mid-August. I've got a hearing Thursday morning in another case and am working on the City's MJOP this week, which the City plans to file next Monday. The City will coordinate a mutually convenient future date and time for the meet-and-confer regarding discovery issues.

On a follow-up note, the City will be noticing the hearing on the MJOP for August 31, 2020. During the parties' LR 7-3 meet-and-confer regarding the MJOP, I agreed to check with plaintiffs' counsel regarding any conflicts with the hearing date before filing the motion. Please confirm whether plaintiffs have any conflicts on August 31, 2020.

We appreciate plaintiffs' cooperation on these issues.

Best regards,

Felix

Felix Lebron

Deputy City Attorney

Office of the Los Angeles City Attorney

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Tel: (213) 978-7559

email: felix.lebron@lacity.org

On Tue, Jul 28, 2020 at 4:04 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attach please find correspondence regarding the above-referenced case.

Thanks,

Shayla Myers | Senior Attorney

Legal Aid Foundation of Los Angeles

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213.640.3983 **direct** | 213.640.3988 **facsimile**

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EXHIBIT S



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Writer's Direct Line (213) 640-3983

Our File Number 19-1306127

VIA EMAIL ONLY

September 14, 2020

Patricia Ursea
Gabriel Dermer
Felix Labron
Scott Marcus
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

RE: ***Garcia v. City of Los Angeles, 2:19-CV-06182***
Follow Up to August 25, 2020 Meeting re: City's Responses to Plaintiffs' RFPs

Dear Counsel,

We are following up from the parties' very long discussion on August 25, 2020, pursuant to Local Rule 37, regarding the City's responses to Plaintiffs' Requests for Production Set One. As outlined below, it is clear that the parties continue to have a number of disagreements about the scope of this case and the City's obligations to participate in discovery.

However, although there is significant disagreement between the parties about the City's obligation to conduct discovery in this case, the City indicated in a number of instances that it would produce additional documents and further information about Plaintiffs' requests. To date, the City has not responded substantively to any of the outstanding issues we discussed nor produced a single additional document. For example, although the City has reiterated numerous times that it has produced discovery about the specific incidents outlined in the SAC, the City has, without explanation, failed to produce body camera evidence related to even those incidents. And the City has still not responded to our objections about the form of production, despite Plaintiffs' attempts on numerous occasions to engage on this issue.

Below is a summary of the specific outstanding issues and our understanding of the City's position and our responses to the various objections made by the City. If you disagree with the summary of the outstanding issues or positions articulated below, please let us know.

Other Office Locations:

East Los Angeles Office, 5228 Whittier Blvd., Los Angeles, CA 90022; 213-640-3883
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501
Santa Monica Office, 1640 5th St., Suite 124, Santa Monica, CA 90401; 310-899-6200
Ron Olson Justice Center, 1550 W 8th Street, Los Angeles, CA 90017; 323-801-7989

Page 2 of 7

Letter to City of Los Angeles

RE: Plaintiffs' Request for Production of Documents, Set One

Scope of Litigation and Relevance of Requested Documents

Most critically, it is clear the parties continue to disagree about the scope of this litigation. We have repeatedly clarified that the City's view of this litigation—namely that it is limited to the discrete incidents outlined in the complaint—does not square with 1) the allegations in the nearly 60 page SAC; 2) Plaintiffs' burden under *Monell* to establish the City's liability under 42 U.S.C. Section 1983; or 3) the relief sought under the Declaratory Judgments Act and Section 1983, including a declaratory judgment and injunctive relief. It is also not consistent with the District Court's rulings on the numerous dispositive motions the City has filed to date

Notwithstanding these disagreements, Plaintiffs attempted during the almost three-hour call to discuss the City's objections about burden and proportionality, in the hopes of better understanding the City's objections and identifying compromises that would eliminate these objections. Among the options Plaintiffs suggested were to 1) eliminate parameters on the production of different types of documents, so that the City does not have to conduct extensive searches and instead can simply produce all documents in certain categories—doing so would shift any potential burden of overproduction and review to the Plaintiffs; 2) conduct queries and sampling, to limit the number of documents that had to be reviewed; 3) to the extent that documents were not stored together, such that volume of documents is largely irrelevant to burden, Plaintiffs agreed to limit the timeframe for requests to January 1, 2018 to the present; and 4) discuss any other proposals the City had to reduce the burden of production.

From our perspective, the City remained unwilling to discuss these proposals or offer any suggestions to lessen the stated burdens on the City. We understand from the call, that with limited exceptions spelled out below, the City is standing by its objections to Plaintiffs' Requests for Production (RFPs) on the ground that the information sought is not relevant to the case and is not proportionate to the City's articulated view of the case. If this is incorrect, or if any of the understandings spelled out in this letter are incorrect, we ask that you let us know immediately.

With regards to the specific issues discussed on August 25:

1. Relevance and Scope of the litigation

Plaintiff's first set of RFPs seek discrete documents related to the following matters:

1. Documents related to the Plaintiffs, including documentation related to the specific and discrete incidents enumerated in the complaint (RFPs 1-2);
2. Documents that identify the responsibilities and chain of command for individuals responsible for conducting encampment cleanups and enforcement of LAMC 56.11 (RFPs 3-10);
3. Written policies and procedures related to encampment cleanups and enforcement of LAMC 56.11 (RFPs 11-15);
4. Trainings related to encampment cleanups and enforcement of LAMC 56.11 (RFPs 16-20);
5. Documents related to forms and notices used in the commission of encampment cleanups and enforcement of LAMC 56.11 (RFPs 21-29);

Page 3 of 7

Letter to City of Los Angeles

RE: Plaintiffs' Request for Production of Documents, Set One

6. Documentary evidence of customs, patterns, and practices that result in alleged constitutional violations and give rise to Plaintiffs' request for a declaratory judgment, including individual documentation (30-34, 37); summaries and data compilations (35-36, 47-49); and complaints (38-41);
7. Documentation related to the storage of property seized pursuant to LAMC 56.11 (42-45).

As we spelled out in significant detail on the call on August 25, the RFPs focus on very discrete matters (training, forms and notices, storage, and specific incidents) which we believe are relevant to the Plaintiffs' claims and requests for relief. In most instances, the RFPs seek specific documents (e.g., chain of custody forms, notices, Health Hazard Assessment forms) or documents related to very discrete subjects (e.g., training re: LAMC 56.11, illegal dumping, and the determination that items are an immediate threat to health and safety). These matters are all relevant to Plaintiffs' claims and the City's defenses, as clarified by the Court.

As a general matter, in response to the City's arguments about relevance and the scope of the case, we reiterated Plaintiffs' view that the City is taking out of context a single line from Plaintiffs' opposition to the City's second motion to dismiss, which the Court repeated in its ruling, about *Monell* liability. As Plaintiffs explained, the Court's ruling on the participation of Ktown for All members, and the much-quoted line from her Order, goes to the question of *liability* for individual incidents, not the *evidence* that is relevant to or can be used to show the existence of a policy or practice. As the Court also noted, "KFA may permissibly rely on participation of some members to establish the existence of a certain policy or practice without running afoul of the third *Hunt* prong." Order at 8; *see also* Order at 5 (citing *Hospital Council of W. Pennsylvania v. City of Pittsburgh*, 949 F.2d 83, 89-90). Plaintiffs also clarified that while the City has written policies and procedures, some of which form the basis of Plaintiffs' claims, Plaintiffs also allege that the City has unwritten customs and practices that are both inconsistent with and unrelated to the rather bare-bones written procedures, and the evidence sought by Plaintiffs goes directly to proving the existence of those policies and practices.

It appears that, despite significant discussion about this point, both generally and specifically, the City continues to disagree about the scope of this litigation and the relevance of the discovery sought by Plaintiffs.

2. Form of Production

The parties also discussed the form of the City's production. As we made clear in prior discussions and correspondence, and reiterated on the call, Plaintiffs object to the form of production produced by the City last week and based on the City's response to the discussion, are concerned that the City intends to continue to produce documents in this format. Specifically, Plaintiffs object to receiving large PDF files containing hundreds of pages from several different sources without any delineation of where one document starts or ends and lacking preservation of any metadata. Plaintiffs made it clear that we requested production in a specific form, namely Tiff or native formats. These requested formats preserve the relevant information, metadata, including who created the document, when it was created, etc. This is an efficient way to conduct discovery and is information to which Plaintiffs are entitled.

In the end, the City refused to produce documents with metadata and in native forms. Instead, it agreed to go back through their production to see if native forms exist. Additionally, it stated it may be incapable of producing in Tiff form and said it could look into breaking down PDFs or adding bates numbers and a table of contents.

Page 4 of 7

Letter to City of Los Angeles

RE: Plaintiffs' Request for Production of Documents, Set One

3. Objections based on the fact that the requests were propounded by Mr. El-Bey but cover allegations specific to other plaintiffs

The parties discussed the City's objections to 39 of the 49 requests on the ground that the City appears to be objecting that Mr. El-Bey is seeking discovery about other plaintiffs' incidents, and the extent to which the City is withholding documents on the basis for these objections.

As we articulated on the call, we disagree with the City's contention that it is relevant that the discovery was propounded by Mr. El Bey. First, for the reasons we have repeatedly expressed, other incidents are relevant to Mr. El-Bey's claims, both because of *Monell* and Plaintiffs' claims for discovery. Second, even if other plaintiffs' incidents were not relevant to his claims, it is certainly not accurate that Mr. El Bey can seek discovery about only his claims. Rule 26(b) states explicitly that "Parties may obtain discovery regarding any nonprivileged matter that is relevant to *any party's* claim or defense and proportional to the needs of the case" Rule 26(b)(1) (emphasis added). With that said, as we offered on the call, we are willing to discuss a strategy for propounding discovery that it most efficient for both Plaintiffs and the City, to avoid duplication and unnecessary fights. For these RFPs, we suggested the parties agree that the requests and responses can be used with equal force as to all Plaintiffs; in exchange we will not propound separate RFPs for each of the other seven plaintiffs, and we will agree that a ruling on these RFPs will apply to all plaintiffs. The City agreed to consider this compromise, but has not responded.

The City also agreed to serve some documents related to the criminal records and investigations related to other plaintiffs. The City indicated it would get back to us as to the request to stipulate to the RFPs applying to all plaintiffs, but has not done so.

4. Production of Emails

Plaintiffs discussed the failure of the City to produce any emails in response to Plaintiffs' RFPs. The City reiterated their position that emails requests were not relevant and not proportional to the needs of the case. The City indicated that, as of our meet and confer date, it had not filed an ITA request or performed any searches for responsive documents because the City continues to assert that the requests are overbroad.

The Parties agreed to meet and confer regarding possible search terms and custodians, but the City made it clear it was not waiving its objections. Plaintiffs requested the City produce the organizational chart and job descriptions in short order, to assist Plaintiffs in identifying specific custodians. The City has not done so.

5. Written responses

In addition to the issues raised with regards to specific requests, as discussed below, the parties also discussed Plaintiffs' concerns regarding the City's written responses. Specifically, Plaintiffs raised the concern that, to the extent the City has agreed to produce documents responsive to various requests, Plaintiffs is unable to identify if the City is withholding documents on the basis of the objections.

The City agreed to review the written responses and consider Plaintiffs' concerns but did not agree to a date certain by which to do so, and to date, has not responded.

Page 5 of 7

Letter to City of Los Angeles

RE: Plaintiffs' Request for Production of Documents, Set One

6. Specific Requests

The parties discussed Plaintiffs' requests in detail and were able to reach some points of agreement. The following summarizes Plaintiffs' understanding of the discussion surrounding specific requests:

Regarding RFP 1, the City agreed to produce some documents it has, about 100 pages related to Plaintiffs other than Mr. El Bey, in their next production. The City otherwise would not confirm whether it was going to continue to object to the requests on the ground that the documents related to other plaintiffs were irrelevant to Mr. El Bey's claims. The parties agreed to meet and confer regarding emails, yet the City was clear it maintained its objections to relevance and proportionality.

As to RFP 2, the City stood on its objection and continues to refuse to provide responsive documents, citing relevance and proportionality even after Plaintiffs explained each subsection related to specific location, time, and Plaintiff. Plaintiffs offered to discuss the burden of identifying documents responsive to the request. Specifically, Plaintiffs suggested that, if the burden of the request rested in the identification of responsive documents, as suggested by the written response, that the City could simply produce documents without filtering out the specific responsive documents, and Plaintiffs would shoulder the burden of overproduction and search through responsive documents themselves. The City declined.

Regarding RFPs 3 and 4, the City indicated its intention to produce job descriptions and agreed to get back to us regarding Plaintiffs' concern that the written response made it impossible to determine if the City was withholding any responsive job documents pursuant to its objections or whether the City was preserving the objections but was agreeing to produce all job descriptions responsive to the request. We are unclear whether the City intends to amend its response to provide the requested information.

As to RFPs 5-7, the City agreed to provide organizational charts to show the chain going up to and including senior management within LA Sanitation, including the General Manager. Plaintiffs reiterated our request for past versions of the documents but agreed to limit the timeframe of the request to January 2018 forward. Plaintiffs are unclear to the extent the City agreed to produce prior versions of the organizational chart.

Regarding RFP 8, Plaintiffs asked for clarification as to the City's response to provide responsive documents. The City agreed to get back to Plaintiffs on this issue but has not done so.

As to RFPs 9 and 10, the City agreed to go back and look for any responsive documents but stated it will continue to stand by its objections as to relevance and prospective relief. Plaintiffs made it clear that they see no relevance issue regarding the contracts between the City and its contractor in charge of encampment cleanups and that it reserves the right to move on this item should the City refuse to produce responsive documents.

Regarding RFPs 11-15 which referred to requests for City policies, Plaintiffs reiterated our concern that the written response made it impossible to determine if the City was withholding any responsive policy documents pursuant to its objections or whether the City was preserving the objections but was agreeing to produce all documents responsive to the request, and to the extent the City is withholding responsive documents, the basis for withholding those documents. After discussing this issue, Plaintiffs remain unclear about the City's response and reiterate our request for an amended written response, which identifies if the City is withholding responsive documents, the extent to which the City is withholding them, and the basis for the decision to do so.

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Letter to City of Los Angeles

RE: Plaintiffs' Request for Production of Documents, Set One

As to RFPs 16-20, for training materials to city employees, the City stood on its objections and refused to produce responsive documents before January 2019 based on their scope argument based on relevancy and proportionality.

In response to RFPs 21-28, the City agreed to produce one copy of each form and notices used by the City and its contractors, related to encampment cleanups and storage, including a copy of each form that is filled out by hand. Plaintiffs explained that the City has argued that the City relies on the forms as part of its protocols in establishing what constitutes an immediate threat to health and safety. Similarly, the use of notices is at the heart of Plaintiffs' claims about due process, and we understand, the City's defense of these claims. As such, Plaintiffs contend that the documents related to those forms, including communications about the use of the forms is relevant. We understand, however, that the City stands by its objections to the production of these responsive documents, including objections related to relevance and burden.

We do understand from our call that the City is willing to meet and confer about search terms and custodians to conduct searches to identify emails responsive to these requests but will not agree to produce any responsive documents or run sampling without court intervention.

With regards to RFPs 30-33, Plaintiffs explained that the documents are relevant to Plaintiffs' burden of establishing customs, policies, and practices and obtaining prospective relief regarding these customs and policies. As to the City's objections of burden, with regards to Requests 30 and 33, Plaintiffs offered to limit the timeframe of the requests to January 2018 to the present. With regards to 31-32, Plaintiffs offered to meet and confer further if the City could provide more specifics about the burden associated with production, including about how the documents are stored and any ways to more efficiently produce this data. Although the City conceded that the surveys of postings are relevant, the City stood by its objection that only the postings of the individual incidents outlined in the complaint are relevant and further, stood by its objections based on the volume of production. The City agreed to provide more information about the actual burden associated with producing documents responsive to the request, but stood by its objections on relevance. The City made it clear it could and would attempt to produce responsive documents related to named Plaintiffs only, and that they seek more clarity about the scope of this case from a magistrate.

We would reiterate that we are willing to shoulder any of the burden of overproduction as to this request, and suggest that, if the documents are stored in one location, that there is minimal burden associated with simply producing all of those documents.

Regarding RFPs 35 and 36, the City stood by its objections due to relevance and proportionality and did not agree to produce any responsive documents.

With regards to RFPs 38-41, Plaintiffs reiterated that complaints filed about similar conduct are relevant to the question of whether the City has a custom, pattern or practice that violates the US Constitution. As to burden, Plaintiffs once again agreed to 1) take on the burden of overproduction and 2) limit responsive documents to January 2018 when it came to producing government tort claims, complaints, grievances, and police reports. With regards to the City's concerns about burden specifically in response to RFPs 38-40, Plaintiffs suggested the parties meet and confer about search terms and run initial searches, to see how many items were identified in response, and again, Plaintiffs are willing to shoulder the burden of overproduction of these documents, which are public records. With regards to RFP 40, Plaintiffs requested the City provide a spreadsheet of all RFCs issued for violations of LAMC 56.11, and then the parties can meet and confer about the production of the actual RFCs. We also offered to hold off the response to RFP 41 until after Plaintiffs have

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Letter to City of Los Angeles

RE: Plaintiffs' Request for Production of Documents, Set One

reviewed documents and identified responsive documents. The City disagreed with each of these proposals and stood by its objections on the basis of relevance and burden.

With regards to RFP 42, Plaintiffs do not object to the City's written response but reserve their right to object until the City produces responsive documents.

Regarding RFPs 43-49, the City agreed to produce summary data showing total amounts of property taken, stored, and destroyed, similar to the report the City relied on in its opposition to the preliminary injunction, but will not produce any other reports or raw data used to generate the reports. Plaintiffs reiterated our position that the burden of production of raw data is likely minimal and if the data is relevant, the City cannot cherry-pick what it will produce. The City stood by its objections on the basis of relevance and burden and did not agree to produce any additional data other than what it agreed to produce in its responses.

Conclusion

Despite the City's considerable disagreement about Plaintiffs' requests, the City none-the-less agreed to provide further information and responsive documents. But since then, it has inexplicably failed to provide that information or responsive documents and in fact, has not responded at all to any of these outstanding issues in any way since our call.

Please provide us with the outstanding information, responses, and documents the City intends to provide by Friday, September 18, 2020.

Sincerely,



Shayla Myers
Alex Flores
Legal Aid Foundation of Los Angeles

Benjamin Herbert
Kirkland & Ellis LLP

Michael Onufer
Kirkland & Ellis LLP

Catherine Sweetser
Schonbrun Seplow Harris Hoffman and Zeldes LLP

EXHIBIT T

Subject: Re: Garcia v. City of Los Angeles
Date: Friday, September 18, 2020 at 7:42:14 PM Pacific Daylight Time
From: Shayla R. Myers
To: Gabriel Dermer
CC: Felix Lebron, Patricia Ursea, Herbert, Benjamin Allen, Onufer, Michael, Cathy Sweetser
Attachments: Outlook-chj4zsjt.png, Outlook-ityxqa11.png

Gabriel,

While we appreciate your note, letting us know you received our letter, you have not provided us any explanation why the City continues to delay in producing even the most straightforward discovery or has been unwilling to provide us responses to the outstanding questions. Those questions stem mainly from issues we raised months ago, and about which the City was then unwilling or unprepared to discuss. For example, we are waiting for information from you about the burdens you claim exist related to our particular demands. You have provided us no explanation whatsoever for the continued delay. Such information is necessary for us to consider the scope of our requests, and while we remain willing to meet and confer about the requests, we can do so only if you provide us the information you said was forthcoming during our phone call last month.

In the past, the City has responded to outstanding issues only at the point when you were aware we were filing a motion related to those outstanding issues, and then used your correspondence to suggest that Plaintiffs are unwilling to meet and confer. This approach undermines the meet and confer process and seems to be a strategy aimed more at delay than at reaching actual resolution of these issues.

The parties have only a limited amount of time to conduct discovery in this case. We are holding off on moving to compel, based on your representation that you expect you will be in a position to get back to us next week, but we in turn expect that the information you will be providing is substantial enough to justify the City's almost one month delay in responding to the outstanding issues (to say nothing of the City's prior delays).

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
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From: Gabriel Dermer <gabriel.dermer@lacity.org>
Sent: Friday, September 18, 2020 1:07 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Patricia Ursea <patricia.ursea@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Onufer, Michael <michael.onufer@kirkland.com>; Cathy Sweetser

<catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles

Hello Shayla et al.,

We are in receipt of your September 14th letter and are working on a response, and we will get you what we said we would. Unfortunately, we are not in a position to do so today but I expect we will be next week. Thank you.

Gabriel

On Mon, Sep 14, 2020 at 4:47 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding the above-mentioned case.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
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saving in any manner.

EXHIBIT U



**MICHAEL N. FEUER
CITY ATTORNEY**

September 25, 2020

VIA EMAIL

Michael Onufer, Esq. Kirkland & Ellis LLP 333 S. Hope St. Los Angeles, CA 90071 michael.onufer@kirkland.com	Shayla Myers, Esq. Legal Aid Foundation of Los Angeles 1550 West 8th Street Los Angeles, CA 90017 smyers@lafla.org
Catherine Sweetser, Esq. Schonbrun Seplow Harris Hoffman and Zeldes LLP 11543 West Olympic Boulevard Los Angeles, CA 90064 csweetser@sshhlzlaw.com	

Re: *Garcia et al. v. City of Los Angeles*, No. 2:19-cv-06182-DSF-PLA: City's Meet-and-Confer Letter re Plaintiff El Bey's Request for Production of Documents Set One

Dear Counsel,

We write in response to Plaintiffs' September 14, 2020 meet-and-confer letter and to follow-up on the Parties' August 25, 2020 meet-and-confer call and the City's August 24, 2020 meet-and-confer letter regarding a motion for protective order.

As an initial matter, the City's August 24 letter addressed in detail the City's objections to the RFPs and explained specific reasons why the RFPs sought discovery that was not relevant to Plaintiffs' claims or the City defenses, not proportional to the discovery needs of the case, and warranted issuance of a protective order under Rule 26(c). Plaintiffs have not responded to the City's August 24 letter, yet that letter already responds to many of the issues raised in Plaintiffs' September 14 letter. While we

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City's Meet-and-Confer Letter

respond below to the specific issues raised in Plaintiffs' September 14 letter, please confirm whether Plaintiffs' intend to respond substantively to the City's August 24 meet-and-confer letter.

1. Scope of Litigation and Relevance of Document Requests:

Plaintiffs' September 14 letter contends that expansive discovery is needed in this case based on (1) the SAC's allegations; (2) Plaintiffs' burden to establish liability under *Monell*; and (3) the prospective relief sought under the Declaratory Judgment Act and Section 1983. We address these issues below.

SAC's Allegations and Claims:

As discussed in the City's August 24 letter, Plaintiff El-Bey alleges that his constitutional rights were violated during specific incidents that occurred on January 10, 2019 at an area near 6th Street and Alexandria and June 4, 2019 at an area near Western Ave. and Oakwood. Dkt. No. 43 at ¶¶ 173-191. El-Bey alleges that the City wrongfully seized and destroyed his personal property without notice or due process. El Bey alleges claims for unreasonable seizures in violation of the Fourth Amendment, Article I, § 13 of the California Constitution, destruction of personal property in violation of the Due Process Clause and Article I, § 7, of the California Constitution, violation of the Bane Act, Cal. Civil Code § 52.1, and violation of a mandatory statutory duty under Government Code § 815.6 and Cal. Civil Code § 2080 *et seq.* Similarly, the other individual plaintiffs allege specific incidents occurring on or around specific dates occurring between January to August 2019 on or around particular locations in the City. SAC ¶¶ 124-150 (Garcia); *id.* ¶¶ 151-172 (Zamora and Zepeda); *id.* ¶¶ 192-209 (Haugabrook); *id.* ¶¶ 210-218 (Diocson); *id.* ¶¶ 219-231 (Ashley).

Plaintiff KFA seeks prospective relief only on behalf of itself and its members. The Court's June 2 Order stated that KFA "asserts that it need only 'rais[e] a single incident . . . to hold the City liable under *Monell*' ... Accepting this clarification, the Court interprets KFA's claims in the SAC as seeking only to obtain a ruling that the City's policies and practices are unconstitutional and not that each past application of those policies and practices to its members was unconstitutional." Dkt. No. 65 at 7. The Court ruled that to "the extent KFA does seek a declaration that the City has unconstitutionally applied the Ordinance or related policies or practices to each of its members, the Court STRIKES that request." *Id.* at 7, n.4.

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City's Production of Incident-Specific Documents:

The City produced incident specific documents relating to the individual plaintiffs' specific alleged incidents, including LASAN cleanup and health-hazard reports, posting surveys, and photographs taken during the cleanups. Incident-specific documents also included LAPD reports, including Watch Commander Reports, Sergeant's Daily Reports, Daily Field Activity Reports, and Computer Aided Dispatch Reports. These documents were produced on November 9, 2019 on (CTY00001-2212) and December 10, 2019 (CTY002213-2677). For Haugabrook, the City also produced LASAN reports for encampment cleanups conducted in March 2019 in South Los Angeles because the City was unable to locate any incident-specific documents corresponding to Haugabrook's alleged incident occurring in "March 2019" at "Figueroa Street, between 53rd Street and 52nd Place." The City produced these documents on January 10, 2020 (CTY003240-4085).

In response to Plaintiffs' contentions regarding production of available LAPD body worn video ("BWV"), during the Parties' Rule 26(f) conference of counsel conducted on July 13, 2020, Plaintiffs requested that the City produce video on an external drive supplied by Plaintiffs and the City agreed. The Parties indicated the same in the Joint Rule 26 Report. Plaintiffs never provided an external drive to the City. Please confirm whether Plaintiffs still intend to provide an external drive or whether Plaintiffs want to discuss an alternative method for production of BWV.

Monell Liability:

Plaintiffs argue that substantial discovery is needed for all encampment cleanups, all information contained in entire databases, and reports and data regarding cleanups, forms, notices, storage, etc. to establish *Monell* liability.

As discussed in the City's August 24 letter, Plaintiffs' contention the discovery is relevant and needed to establish *Monell* liability is misplaced. Plaintiffs' challenge LAMC 56.11, a duly enacted ordinance, which designates LASAN as the administrative agency for promulgation of the SOPs. The City does not dispute that its encampment cleanups or enforcement actions implement or execute LAMC 56.11. "A rule or regulation promulgated, adopted, or ratified by a local governmental entity's legislative body *unquestionably* satisfies *Monell's* policy requirements." *Thompson v. City of Los*

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Angeles, 885 F.2d 1439, 1444 (9th Cir. 1989) (emphasis added), *overruled on other grounds by Bull v. City & Cty. of San Francisco*, 595 F.3d 964 (9th Cir. 2010). The Supreme Court confirmed in *Monell* that the City may be liable for alleged actions of its employees if the action alleged to be unconstitutional “implements or executes a policy statement, **ordinance**, regulation, or decision officially adopted or promulgated by that body's officers[.]” *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 690-691 (1978) (emphasis added). Moreover, the City even offered to stipulate on *Monell* issues to streamline discovery and Plaintiffs rejected the reasonable proposal.

In addition, as noted above, Plaintiffs argued successfully to the Court that Plaintiffs “need only raise a single incident to hold the City liable under *Monell*” in response to the City’s motion to dismiss. The City quoted above the Court’s Order verbatim regarding KFA’s claims for prospective relief. Plaintiffs now contend that while they need only a single incident to establish *liability* under *Monell*, they need substantial discovery on all past cleanups to establish a policy or practice. Specifically, Plaintiffs state that they allege that “the City has unwritten customs and practices” and the substantial discovery requested goes “directly to proving the existence of those policies and practices.” Plaintiffs, however, do not identify the specific unwritten policy or practice for which this discovery is needed or relevant. Similarly, during the Parties’ August 25 meet-and-confer call, Plaintiffs were unable to identify the unwritten policies and practices that demand such broad discovery, yet sought to establish the relevance of Plaintiffs’ broad discovery requests on the basis of policies and practices under *Monell*.

The City requests that Plaintiffs identify the specific *unwritten* policies or practices that Plaintiffs contend necessitate Plaintiffs’ demands for expansive discovery of all cleanups for further discussion. Indeed, the City has already offered to stipulate regarding *Monell* issues and is willing to consider whether a stipulation can be reached regarding the alleged “unwritten” policies or practices that Plaintiffs contend necessitate such broad discovery. Alternatively, Plaintiffs identifying the specific unwritten policies may help the parties address their dispute regarding relevance and proportionality of the RFPs since Plaintiffs’ sole argument for claiming the RFPs seeks relevant information is on this basis.

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Declaratory Judgment Act and Prospective Relief:

Plaintiffs' contention that expansive discovery is needed because Plaintiffs seek prospective relief, including declaratory relief, is also misplaced. The Declaratory Judgment Act ("DJA"), 28 U.S.C. § 2201(a), "does not create new substantive rights, but merely expands the remedies available in federal courts." *Shell Gulf of Mexico, Inc. v. Ctr. For Biological Diversity, Inc.*, 771 F.3d 632, 635 (9th Cir. 2014). The DJA is a procedural statute that "merely offers an additional remedy to litigants." *Team Enterprises, LLC v. Western Inv. Real Estate Trust*, 721 F. Supp. 2d 898, 911 (E.D. Cal. 2010) (citations omitted). "A declaratory judgment is not a theory of recovery." *Id.* Nor is a request for declaratory relief an independent cause of action, but rather a remedy that is derivative of the underlying claims. *Gilliam v. Bank of Am., N.A.*, No. SA CV 17-1296-DOC (JPRx), 2018 U.S. Dist. LEXIS 227706, at *48 (C.D. Cal. June 22, 2018); *Canatella v. Reverse Mortg. Sols., Inc.*, No. 13-cv-05937-HSG, 2016 U.S. Dist. LEXIS 143481, at *19 (N.D. Cal. Oct. 17, 2016) ("where, as here, the plaintiff's underlying claims fail, so too does [plaintiff's] declaratory relief claim.").

Plaintiffs' RFPs:

The RFPs do not reflect the limited scope of the Plaintiffs' claims and requests for relief as discussed above. Plaintiffs' RFPs seek all documents dating back to April 2016. During the August 25 meet-and-confer call, and in Plaintiffs' September 14, 2020 letter, Plaintiffs offered to narrow the timeframe dating back to January 1, 2018. However, all specific incidents alleged in the SAC occurred in 2019. The RFPs nonetheless demand all documents covering this two or four-year period, including among others the following document requests:

- All Hope/Rapid Response 56.11 enforcement reports, including all health hazard checklists, metrics sheets, photographs and other documents relating to these reports (RFP 33, see also RFP 2);
- All records documenting positing of cleanups, including all posting surveys (RFP 30)
- All data contained within the database used to generate the Health Hazard Assessment reports generated by LASAN (RFP 31)
- All data contained with the online encampment authorization database (RFP 32)
- All reports, summaries, statistics, analysis and date compilations relating to encampment cleanups (RFP 35)

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- All reports, summaries, statistical analysis or data compilations relating to enforcement of LAMC 56.11 (RFP 36)
- All communications regarding forms and notices used by the City or any contractor relating to encampment cleanups, storage of property (RFPs 23, 26, 29)
- All personal property chain of custody forms for property seized during encampment cleanups (RFP 37)
- All government claims failed against the City relating to seizure and destruction of homeless individuals' property (RFP 38)
- All complaints or grievances filed against the City, including LAPD relating to seizure and destruction of homeless individuals' belongings (RFP 39)
- All police reports filed regarding seizure or destruction of homeless individuals' belongings (RFP 40)
- All documents relating to any investigations, response or communication regarding any complaint or police report or grievance regarding destruction of homeless people's belongings (RFP 41)
- All documents identifying location of storage facilities (RFP 42)
- All documents identifying the City's capacity change in capacity to store property from encampment cleanups, including all documents that discuss the number of storage bins, spaces, containers and capacity (RFPs 43-44);
- All reports, statistics, data analysis or compilations related to storage facilities (RFP 45);
- All documents the track, document and show when, where, and what property was seized, stored, destroyed, or retrieved at storage facilities (RFPs 46-49)

The RFPs also contain overbroad requests on topics where the City produced some responsive information:

- All training documents including all emails promoting, announcing, or describing the training, all calendar invites for the training, all notes taken by participants, all presenters' notes, all attendance and sign in sheets, and all flyers, relating to LAMC 56.11, encampment cleanups, illegal dumping, threats to public health and safety, and HOPE (RFPs 16-20).

As discussed in the City's August 24 letter, and in more detail below, these requests are neither relevant nor proportional to Plaintiffs' discovery needs in this case.

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Plaintiffs' Proposals re Proportionality:

Plaintiffs' September 14 letter states that Plaintiffs proposed ways to address proportionality and burden during the parties' August 25 meet-and-confer call. The City acknowledges that Plaintiffs offered to limit the scope of the timeframe dating back to January 1, 2018, and that Plaintiffs offered to accept production of all documents and information contained in the City's systems without limitation or parameters or whether such information was relevant to the dispute. We note, however, that the issue of conducting queries and sampling was discussed in the context of a potential result of an informal discovery conference with MJ Abrams. As you aware, the City contacted MJ Abrams court clerk to inquire about the possibility of conducting an informal discovery conference and the clerk confirmed that MJ Abrams does not conduct such conferences.

2. Form of Production:

The City produced documents in portable document format (PDF). Plaintiffs demand that the City produce in Tiff format with metadata. As discussed during the August 25 meet-and-confer call, the City does not have the software or capability to produce documents in Tiff format. The City produced documents in the form the documents are kept in the normal course. The City has since obtained access to use e-discovery platform Zylab and is in the process of loading documents into Zylab. The City is willing to conduct a further meet-and-confer call regarding the form of future document productions made through Zylab.

Plaintiffs also complained that the City's prior document productions were produced in pdfs with multiple documents included within the production. The City is producing another set of documents concurrently with this letter and has produced the documents in individual pdf files.

In addition, during the August 25 conference call, the City agreed to provide an index of the City's past document productions, which is provided below:

BATES RANGE	DOCUMENTS
CTY000001-CTY000078	El Bey Incidents
CTY000079-CTY000459	Zepeda/Zamora Incidents
CTY000460-CTY001235	Garcia Incidents
CTY001236-CTY001940	Ashley Incident

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BATES RANGE	DOCUMENTS
CTY001941-CTY002212	Diocson Incident
CTY002213-CTY002251	El Bey Incident
CTY002252-CTY002369	Garcia Incident
CTY002370-CTY002677	LAPD Logs/CAD Reports
CTY002678-CTY002755	Council File 13-0852-S1
CTY002756-CTY002789	Council File 14-0818-S2
CTY002790-CTY002795	Council File 14-1499-S5
CTY002796-CTY002849	Council File 14-1551
CTY002850-CTY002898	Council File 14-1656
CTY002899-CTY003010	Council File 14-1656-S1
CTY003011-CTY003012	Council File 14-1656-S2
CTY003013-CTY003015	Council File 14-1656-S4
CTY003016-CTY003018	Council File 14-1656-S5
CTY003019-CTY003043	Council File 15-0727
CTY003044-CTY003046	Council File 17-0921
CTY003047-CTY003222	LAPD Policies and Procedures
CTY003223-CTY003239	LAMC Article 6
CTY003240-CTY004085	LASAN March 2019 South LA Reports - Haugabrook
CTY004086-CTY004104	Marco Ramirez Declaration Photos
CTY004105-CTY004120	Ryan Rankin Declaration Photos
CTY004121-CTY004142	Hector Pereida Declaration Photos
CTY004143-CTY004208	Christain Guerrero Declaration Photos
CTY004209-CTY004255	LAMC 56.11 SOPs
CTY004256	CARE+ Notice of Major Cleaning
CTY004257	Involuntary Storage Summary Calendar Year 2019
CTY004258	Sample ABH/SECZ Permanent Signage
CTY004259-CTY004290	LASAN February 24, 2020 CARE+ Report
CTY004291-CTY004302	LASAN December 9, 2019 CARE Report
CTY004303-CTY004315	LASAN December 16, 2019 CARE Report
CTY004316-CTY004358	Plaintiffs' Government Claims
CTY004359-CTY004395	LASAN and LAPD Organization Charts
CTY004396-CTY004452	Council Files for 19-0609 and 20-0307
CTY004453-CTY004510	LAPD and LASAN Policies and Memos
CTY004511-CTY004626	LAPD Complaint

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BATES RANGE	DOCUMENTS
CTY004627-CTY004839	Chrysalis Contract and Amendments
CTY004840-CTY004851	Chrysalis Tags and Receipts
CTY004852-CTY006439	LASAN Trainings
CTY006440-CTY006827	LAPD Trainings

3. Objections Regarding the Scope of Plaintiff El Bey's RFPs and Application to Other Plaintiffs:

Plaintiffs propounded the RFPs on behalf of Plaintiff El Bey only, even though the number of RFPs are not limited under Rule 34. The City served its responses and objections to the RFPs propounded by El-Bey. After the City served its objections and responses, Plaintiffs clarified that the RFPs were served on behalf of all Plaintiffs and not just El-Bey.

During the August 25 meet-and-confer call, the City referenced certain LAPD documents pertaining to the other individual plaintiffs. The City is producing those documents concurrently with this letter.

In addition, the responsive documents that the City has agreed to produce will be produced irrespective of the individual plaintiffs. The City is also willing to consider a stipulation that the RFPs apply to all Plaintiffs, provided that the City has an opportunity to file an amended set of responses and objections to ensure that the City is not prejudiced by the stipulation in preserving its objections and responses to the document requests. However, we agree that serving seven additional sets of the same RFPs is not an efficient use of the Parties' resources.

4. Production of Emails:

Plaintiffs reiterate the request for production of all emails across numerous City departments and custodians, which the City contends seeks information that is not relevant or proportional to the discovery needs of the case. As discussed in the City's August 24 meet-and-confer letter, the demands for all communications and electronic information also impose additional burdens.

Specifically, in order to search for and obtain all documents for communications as requested, the City must investigate the identify of all potential custodians who may

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have sent or received an email regarding the forms, notices, data, reports, training invites, encampment cleanups, storage, etc. over a four-year period, including personnel from LASAN, UHRC, LAPD, the City Attorney's Office, and possibly other City departments. The City would then have to conduct search parameters for all communications over a four-year period involving all identified custodians from different City departments.

The City uses an email system known as CityMail that is based on an implementation of Google Apps Premier Edition and is used by nearly every City entity. The City's CityMail system uses the Google Vault system for archiving emails. Google Vault is a cloud-based data storage system; rather than being stored on locally managed servers, the archived email data is stored on remote servers that are managed by Google, Inc. and are only accessible to City's office via the internet. In order to search the email archives, the City's ITA must formulate a search query utilizing the search terms and restrictions provided by the requester. Depending on the number and complexity of search terms, the number of email accounts or document custodians, and the breadth of the search, ITA may need to formulate more than one search query and scan the stored data multiple times. When the search completes, Google Vault provides preliminary information regarding the email data gathered by the search. In order to access the actual emails, however, the entire store of data must first be exported from the cloud-servers to a different "download" server to which ITA can connect via the internet and from which we can then download the data. Depending on the size of the data, the download process the most time-consuming part of gathering the email data. Even when ITA allocates multiple personnel to conduct search queries in order to speed up the archived email search and collection process, ITA is still limited by the speeds at which the data can be transferred from the download server to Defendant's local data storage devices. As downloads of batches of data become available, ITA begins the process of identifying the email addresses that accompany the data against the list of individuals identified in the data request and thereafter segregates the email stores of matching individuals. ITA would also identify and screen emails of City Attorneys begin the process of identifying and screening-out the emails of city attorneys and may need to conduct subsequent queries to screen out attorneys for purposes of compiling a list of excluded emails for a privilege log.

During the August 25 conference call, the City agreed to meet-and-confer with plaintiffs regarding search terms and custodians, without waiving its objections to these document requests. On August 12, 2020, the City produced organization charts in

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response to Plaintiff's RFPs (CTY004359-4395). Plaintiffs requested additional organizational charts from the City before conducting a further meet-and-confer call regarding email searches. The City is producing the additional organization charts concurrently with this letter, along with requested job descriptions.

5. The City's Written Responses and Objections to the RFPs:

Plaintiffs requested that the City review its objections and responses and confirm whether all documents have been produced or are being withheld. The City is still in the process of producing documents responsive to the RFPs and will revisit the issue of providing amended responses and objections after the City completes its document production.

6. Specific RFP Requests:

- **RFP No. 1** – The City is producing concurrently with this letter the additional LAPD documents referencing individual plaintiffs as discussed above and during the August 25 meet-and-confer call. As noted above, the City maintains its objections regarding email searches but has agreed to meet and confer regarding search terms and custodians.
- **RFP No. 2** – The City has produced documents relating to the individual plaintiffs' specific alleged incidents. Plaintiffs contend that RFP No. 2 relates to areas where individual plaintiffs may have resided, yet have not alleged additional incidents in these areas or provided further information on when and where individual plaintiffs allegedly experienced other incidents involving the City. The City's objections addressed the 32,730 incidents identified constituting "encampment cleanups" as defined in the Request for the period from January 1, 2018 to July 31, 2020 and detailed the process that the City would have to conduct to search for and produce documents responsive to the request. Plaintiffs' proposal to produce all 32,730 reports and related documents is not a reasonable resolution to the issues and objections the City raised. The City remains willing to meet and confer with Plaintiffs regarding additional incident reports if Plaintiffs provide additional information regarding the date and location when individual plaintiffs allege that they had other incidents involving the City in these locations.

September 25, 2020

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City's Meet-and-Confer Letter

- **RFP Nos. 3-4** – The City is producing job descriptions responsive to the requests concurrently with this letter and will produce additional, responsive job descriptions that may exist.
- **RFP Nos. 5-7** – The City produced organization charts for LASAN and LAPD (CTY004359-4395). The City is producing the additional requested organization charts concurrently with this letter.
- **RFP No. 8** – The City is producing UHRC information concurrently with this letter and will meet and confer if Plaintiffs seek additional information in response to this request.
- **RFP Nos. 9-10** - The City previously produced the Chrysalis contracts and amendments (CTY004627-4839). Following the August 25 meet-and-confer call, the City has agreed to produce concurrently with this letter the requested Clean Harbor contract and related amendment.
- **RFP Nos. 11-15** - The City has produced and continues to produce documents responsive to these requests. The City will confirm when it believes all documents responsive to these requests have been produced.
- **RFP Nos. 16-20** - The City has produced and continues to produce documents responsive to these requests seeking training materials. The City will be producing additional training materials in a future production through Zylab, including training materials dating before January 1, 2019. As discussed in the City's August 24 meet-and-confer letter, the City maintains objections to requests that seek all emails promoting, announcing, or describing the training, all calendar invites for the training, all notes taken by participants, all presenters' notes, all attendance and sign in sheets, and all flyers, relating to LAMC 56.11, encampment cleanups, illegal dumping, threats to public health and safety, and HOPE.
- **RFP Nos. 21-29** - The City has produced documents responsive to these requests and is producing concurrently with this letter additional documents regarding current and prior versions of notices and forms used by the City. As discussed in the City's August 24 meet-and-confer letter, the City maintains its objections to requests for all communications regarding forms and notices used by the City or any contractor relating to encampment cleanups, storage of property.

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City's Meet-and-Confer Letter

- **RFP Nos. 30-34** - The City maintains its objections to Plaintiffs' demands for all documents, reports, data, and information contained in entire databases. As discussed in the City's August 24 meet-and-confer letter, these requests seek discovery that is not relevant or proportional to the discovery needs of the case. As discussed above, the City remains willing to meet and confer with Plaintiffs regarding specific *unwritten* policies or practices identified by Plaintiffs and whether Plaintiffs demand can be addressed through other means. Plaintiffs' proposal to narrow the scope of the request back to January 1, 2018 does not meaningfully narrow the scope of the requests. The City identified 32,730 incidents constituting "encampment cleanups" as defined in the requests for the period from January 1, 2018 to July 31, 2020. The City's August 24 meet-and-confer letter addressed in detail the process to conduct the search for and produce documents responsive to the requests that apply to these 32,730 incidents.
- **RFP Nos. 35-36** - The City maintained its objections to these requests as discussed in the City's August 24 meet-and-confer letter. The City remains willing to meet and confer regarding a narrowed request for specific reports or data compilations.
- **RFP Nos. 38-41** - The City maintains its objections to the requests as further discussed in the City's August 24 meet-and-confer letter. As discussed above, the City remains willing to meet and confer with Plaintiffs regarding specific *unwritten* policies or practices identified by Plaintiffs and whether Plaintiffs demand can be addressed through other means. In addition, during the August 25 meet-and-confer call, the City does not recall Plaintiffs proposing that the City produce a spreadsheet of all RFCs for future meet-and-confer discussions. The City is willing to meet-and-confer with Plaintiffs regarding this proposal and assess how long it would take the City to produce the requested spreadsheet. In addition, while reserving its objections, the City is willing to meet and confer call with Plaintiffs regarding search terms to narrow these requests.
- **RFP No. 42** – The City will meet and confer with Plaintiffs if they have outstanding concerns regarding this request after receiving the City's document productions.

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City's Meet-and-Confer Letter

- **RFP Nos. 43-49** – The City has produced summary data regarding the total amounts of property removed, stored, recovered or discarded. In response to Plaintiffs' concerns regarding underlying data, the City is assessing Plaintiffs request for documents and is willing to meet and confer with Plaintiffs regarding these requests without waiving its objections as addressed further in the City's August 24 meet-and-confer letter.

7. City's Production of Documents:

As discussed above, the City is producing concurrently with this letter an additional set of documents bates labeled **CTY006828-7472**.

Conclusion:

We suggest that the parties schedule another meet-and-confer call to further discuss discovery issues. To that end, we request that Plaintiffs respond to the issues raised in the City's August 24 meet-and-confer letter before the call so that the parties can conduct a meaningful discussion on whether the parties can further resolve or narrow outstanding discovery disputes or, alternatively, confirm whether the parties are at an impasse on certain requests.

We appreciate Plaintiffs' cooperation in working with the City to resolve or narrow the disputed discovery issues.

Sincerely,

/s/ Felix Lebron

Felix Lebron

Deputy City Attorney

EXHIBIT V

Subject: Re: Garcia v. City of LA
Date: Friday, October 2, 2020 at 3:12:55 PM Pacific Daylight Time
From: Felix Lebron
To: Shayla R. Myers, Catherine Sweetser, Herbert, Benjamin Allen, Onufer, Michael
CC: Patricia Ursea, Gabriel Dermer, Jessica Mariani
Attachments: Outlook-4r5o12kx.png

Counsel,

The City will agree to serve amended RFP responses on or before October 9, 2020, and agree that the El-Bey RFPs and the City's amended objections and responses apply to all Plaintiffs. We will also agree that the City's amended objections and responses do not require the parties to meet-and-confer under L.R. 37 on issues addressed in prior meet-and-confer correspondence or conference calls. In response to Plaintiffs' other contentions below, we refer back to the City's September 24 meet-and-confer letter rather than reiterate the same arguments that have already been raised in the City's prior letters and during the parties' August 25 meet-and-confer call.

Best regards,
Felix

Felix Lebron
Deputy City Attorney
Office of the Los Angeles City Attorney
Business and Complex Litigation
200 N. Main Street, Rm 675
Los Angeles, CA 90012
Tel: (213) 978-7559
email: felix.lebron@lacity.org

On Fri, Oct 2, 2020 at 10:19 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We are following up from our suggestion that the parties agree that the Plaintiffs' requests and the City's responses to Mr. El-Bey's RFPs apply with equal force to all plaintiffs. We made this suggestion in an attempt to address some of the City's objections and to eliminate other potential areas of disagreement in the future. In your September 25, 2020 letter you indicated again that you are willing to consider such an agreement. At this point, we need to reach an agreement, or we will move forward with additional RFP requests on behalf of the other plaintiffs.

Plaintiffs proposed on our call on August 24, and again reiterated in our September 14, 2020 letter that, in the interest of avoiding unnecessary fights, the parties agree that the requests and responses to the RFPs can be used with equal force as to all Plaintiffs; in exchange, Plaintiffs will not propound separate RFPs for each of the other seven plaintiffs and will agree that any ruling on these RFPs will apply to all plaintiffs.

You have now indicated that you need an opportunity to file an amended set of responses and objections to these specific document requests. From our perspective, this is unnecessary, since none of the requests for production were specific to Mr. El Bey, the City already included objections about other plaintiffs, and our meet and confer discussions to date were in no way limited to Mr. El-Bey. Moreover, we agreed that the responses would apply with equal force to all the Plaintiffs. But

in the interest of reaching agreement, we are fine with this approach, provided it does not delay this litigation further. Therefore, we request the City provide amended responses by October 9, 2020, and the parties agree that the new amended answers will not restart the meet and confer timeline under Rule 37.

Given that the parties are in agreement that it would not be efficient for Plaintiffs to serve and the City to have to respond to seven additional sets of RFPs, we hope the City will agree to this approach. We have held off serving those additional sets, in good faith, given the City's seeming willingness to reach a resolution of this issue. We'd note that it has now been more than a month since our initial discussion, and had we simply propounded that discovery, the responses would have now been due.

Please let us know by Monday if you are in agreement; otherwise, in the interest of avoiding further delay, we will serve additional sets of Requests for Production.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



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EXHIBIT X

Subject: Garcia - we cannot reproduce previous PDF productions
Date: Monday, November 16, 2020 at 2:39:01 PM Pacific Standard Time
From: Gabriel Dermer
To: Shayla R. Myers, Herbert, Benjamin Allen, Sam Blake, Pui-Yee Yu
CC: Felix Lebron, Patricia Ursea, Justin Grams

Counsel,

I misspoke on the call regarding the previous productions in this lawsuit that we produced as PDFs. At the time of those productions we gathered documents from LASAN and LAPD and Bates numbered them in Adobe Pro. It wasn't until the past few productions that due to the anticipated volume of discovery our Office got approval to hire a third party vendor with proprietary litigation software that we could ingest native files in and produce in native/TIFF format. All the documents we culled in the past few months were ingested into the software for production, but the early productions were done in a completely different fashion and in no way can be recreated and are not part of our litigation software database.

--

Gabriel S. Dermer
Assistant City Attorney
Business and Complex Litigation
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EXHIBIT Y

***Garcia v. City of Los Angeles*, Case No. 2:19-cv-06182**

Plaintiffs’ Proposed Custodians and Search Terms

<u>LA SANITATION</u>	
ECI Staff Howard Wong Pawan Verma Gonzalo Barraga Jonelle Gardea	56.11 “rapid response” CARE HOPE (“immediate threat” or hazard) bulky (“the BIN” or “507 Towne” or Chrysalis or storage) HE/ID “posting survey”
Steven Pederson	56.11 “rapid response” CARE HOPE (((“immediate threat” or hazard) w/30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process*)) (“bulky item” w/30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process*)) (“the BIN” or “507 Towne” or Chrysalis or storage)
LA SAN leadership Domingo Orosco Gabriel Miranda Jose Garcia	56.11 CARE HOPE “rapid response” (“the Bin” or “507 town” or “involuntary storage” or Chrysalis)
Community Services Group Renee Schackelford Bladimir Campos Sarah Bell Diana Gonzales	(Lomita or McCoy) (Aetna or Cedros or Bessemer) (Ardmore or Kingsley or Hobart or Harvard or 4 th or 5 th or 6 th or 7 th or 8 th or Wilshire Figueroa or 52 or Grand or Flower or 110)
<u>COUNCIL STAFF</u>	
Council District 15	(Lomita or Mccoy) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or

	<p>sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 9	<p>((Grand or Figueroa or 110 or 52nd or Flower) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 6	<p>(or Tyrone or Cedros or Bessemer w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 10	<p>((Ardmore or Kingsley or Hobart or Harvard or 4th or 5th or 6th or 7th or Wilshire) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p>
<u>UHRC</u>	
<p>Brian Buchner</p> <p>Jamie Keene</p>	<p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>(“comprehensive cleanup”)</p> <p>HOPE</p> <p>(“trash bags” or “trash can*” or toilet or portapotty or porta-potty or “Pit Stop” Mobile hygiene unit or MHU)</p> <p>(“the BIN” or “507 Towne” or storage” or Chrysalis)</p>

<u>City Attorney</u>	
Gita O'Neill	56.11
<u>LAPD</u>	
HOPE Sgts	56.11
Frank Lopez	Lomita or McCoy 56.11
Command Staff	56.11
Dominic Choi	HOPE
Donald Graham	"rapid response"
Emada Tingirides	CARE
<u>City Witnesses</u>	
City witnesses identified in the Rule 26 (other than those included above)	56.11 notice ("immediate threat" or hazard) ("the BIN" or storage or Chrysalis)

EXHIBIT Z

Legal Aid Foundation of Los Angeles

South Los Angeles Office
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Los Angeles, CA 90003

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www.lafla.org



Our File Number: 19-1311049

November 19, 2020

VIA EMAIL ONLY

Patricia Ursea
Gabriel Dermer
Felix Labron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

RE: *Garcia v. City of Los Angeles*, 2:19-CV-06182

**Follow Up to November 16, 2020 Conference Call to Meet and Confer re: City's
Production of Responsive Discovery**

Dear Counsel,

Thank you for meeting with us on Monday, for what we hope will prove to be a productive conversation. We appreciate the City's willingness to now engage in a conversation about producing data and other documents responsive to the requests we provided to the City in October 2019. Below are our understandings of the City's current positions on a number of outstanding issues as well as our position relative to those issues. If this does not reflect the City's position, please let us know immediately. We look forward to hearing from you later today on these issues.

Form of Production

Plaintiffs continued to raise the issue of the form of the City's production. As noted on the call, we appreciate that the City has switched to producing the documents in TIFF format with the metadata intact. We appreciate the City's willingness to begin producing the documents in this form and providing us useful metadata, without the need for court intervention.

The City's latest production of documents in the requested form does not address our concerns about the lack of metadata in the City's initial productions of approximately 7400 documents, which we raised on the call. We requested the City do so now, with the same Bates numbers, since a number of the documents have been used in court filings, including the pending appeal of the Court's preliminary injunction. On the call, Mr. Dermer indicated he thought it was possible; thereafter, he responded that it was not.

Other Office Locations:

East Los Angeles Office, 5228 Whittier Blvd., Los Angeles, CA 90022
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802
Santa Monica Office, 1640 5th St., Suite 124, Santa Monica, CA 90401
Ron Olson Justice Center, 1550 W. 8th Street., Los Angeles, CA 90017

The City's response to this is unsatisfactory, given the importance of the documents included in these first productions. Plaintiffs explicitly requested the City produce the metadata in our Requests for Production, and we raised the issue of metadata and the form of production of documents during our Rule 26 conference. We did so to avoid this situation and in an attempt to prevent the parties from having to fight about these issues. The City chose instead to produce the documents in PDF form, which erased all of the metadata, including the date and time stamps for hundreds of photographs of the very specific incidents outlined in the complaint. Moreover, the City produced thousands of documents in only a handful of PDFs. As we have repeatedly pointed out, this is obviously not how the documents are kept in the normal course, and the PDFs provided no metadata about when the documents were created, who created the documents, or even when one document ends and the next document starts.

The City's prior attempt to address our concerns, an index of the documents, does not obviate the need to produce metadata, and the index provided on September 25 is woefully inadequate. In fact, we note that the index produced by the City is less detailed than the index you provided in your Rule 26 disclosures.

While we are entitled to receive the documents with the metadata intact, and it was the City's own intransigence on this issue that led to this point, we are willing to compromise. We request the City provide us with the photographs previously produced as part of its production in October as TIFF files or JPG files, with the metadata intact. We're willing to meet and confer about the form of the other City reports related to the cleanups outlined in the complaint, once we review the data and reports the City is willing to produce based on our call.

We also need confirmation that, going forward, the City intends to produce the documents in the form of the last productions--namely TIFF files with the metadata intact. Please confirm the City intends to produce all discovery in this format going forward, so we can avoid further laborious debates on this point.

Continued Deficiencies in the City's Amended Written Responses to Plaintiffs' Requests for Production

The parties discussed the City's written responses to Plaintiffs' RFPs, which have been amended, but the amendments did not address any of the infirmities raised by Plaintiffs. Plaintiffs again reiterated that the City's Amended and Restated Responses to Plaintiffs' Requests for Production are deficient under Rule 34, and as such, Plaintiffs are unable to discern what the City is withholding or limiting, much less the basis on which each piece of information is being withheld or limited. This applies to all of the RFPs to which the City has agreed to produce responsive documents, including RFPs 1, 3-29, and 43-49.

Although the City indicated that nothing has been withheld, Plaintiffs again explained that, based on their review of discovery to-date, certain documents have proven conspicuously absent from the record. For example, the City indicated it would produce organizational charts and job descriptions and has done so, but the City appears to have produced some charts and has not produced other charts, including for example, failing to produce the organizational chart the City has placed on its website, and producing the FY 2018-19 proposed Sanitation chart, but not the FY 20-21 chart. In addition, the City has produced operations and daily assignment logs for the cleanups conducted in South LA but not for the specific cleanups listed in the complaint. The City has also failed to produce any scheduling documents like HE/ID confirmations, route confirmations, etc., or the documentation of authorizations for the cleanups impacting the individual Plaintiffs. Plaintiffs have not received some police body camera footage from each of the cleanup incidents, including, for instance, the body camera footage of LAPD Officers Lucero, Argueta, Cottle and Kim from their June 4, 2019 encounter with individual plaintiff Ali El-Bey at the intersection of Oakwood and Western in Koreatown. The written responses provide no explanation for these deficiencies, and it is unclear whether the City is withholding documents based on the City's myriad objections, has not sufficiently searched for responsive documents, or if these documents do not exist.

In response, Ms. Ursea noted that the production of documents was ongoing. As we noted, the City has had Plaintiffs' first set of RFPs since October 2019. Moreover, the City has not provided us a date certain for the completion of even these incredibly basic documents, which is required by Federal Rule of Civil Procedure 34. Plaintiffs also noted again that we are in need of many of these documents to proceed with further discovery, and the failure to provide these basic documents along with the refusal to provide a date certain is causing unnecessary delays in this litigation. Plaintiffs emphasized the amount of time that has passed since its discovery requests were initially provided to the City. Appreciating this fact, the City indicated it will provide Plaintiffs with an update on Thursday, November 19 on a date certain by which the City will have completed its production of documents responsive to this first set of RFPs.

Responsive Raw Data

1. Documents and data related to encampment cleanups

The City is now discussing internally the feasibility of exporting and producing all responsive raw data, both quantitative and qualitative, from three databases in the City has identified that are used by LA Sanitation to store data related to cleanups: WPIMS, AMS, and MyLA (311 requests). The City indicated on the call that, after touching base with the respective City departments that serve as custodians of each database, the City will inform Plaintiffs by Thursday, November 19 whether such data will be made available.

We are glad the City is now considering simply providing us the data we requested, instead of requiring us to seek court intervention. There was some question on the phone whether the City uses other databases to store data from LA Sanitation or other departments related to the City's encampment cleanups. While these are the databases that we are aware of, we asked in discovery for data from all databases, and certainly the City is in a better position than Plaintiffs to identify what databases are used by the City and where that data exists. As we discussed, I asked this question to the employee ostensibly responsible for reports related to cleanups, and he similarly was unable to provide a complete answer. This seems relatively straightforward to us, and it is concerning that the answer appears not to be known within the City, given that Plaintiffs provided the City with these document requests in October 2019.

We expect the City on Thursday will be able to provide us an answer as to 1) what data it will export and provide to Plaintiffs; 2) whether it is withholding any data or whether there are any databases that contain data responsive to Plaintiffs' requests that it is not producing; and 3) the date certain by which the City will produce this data.

We also hope the City can clarify the extent to which Ms. Ursea's expressed willingness to now work on exporting reports, etc., rather than searching for specific documents extends to qualitative documentation related to cleanups, such as the health hazard assessment reports, and other documents like health hazard checklists and photographs of other cleanups, or if the City remains committed to its refusal to produce these documents for any cleanups other than those identified in the complaint.

2. Complaints about property seizure and destruction

RFPs 38-41 seek data related to other complaints against the City related to the seizure and destruction of property. These documents are relevant to Plaintiffs' claims that the City has customs, patterns, and practices that violate the US and state Constitutions and is also relevant to proving Plaintiffs' individual claims. The City appears to now be agreeing to search for responsive documents. Again, this is a welcome change, after the City's unwillingness to meet and confer, let alone search for responsive documents for the past four months.

With respect to the database called Citylaw, the responsive data in question relates to Government Tort Claims filed against the City. In addition, complaints or grievances filed against the City, including the LAPD, related to the seizure and/or destruction of homeless people's belongings (RFP Nos. 38-39). We understand the City's position that any responsive data intended to be produced from the Citylaw system would have to undergo privilege assessment, plus the City currently does not know how quickly or easily such responsive information could be retrieved from the Citylaw database anyway. Plaintiffs offered, if the City is willing to divulge Citylaw's searchable fields and search parameters, to work with the City to create and conduct a reasonable search or searches. The City indicated they will explore the features and functionality of Citylaw and report back regarding possible paths forward on Thursday, November 19.

The City also agreed to coordinate with the Los Angeles Police Department (LAPD) to pull all responsive police reports using relevant search terms (e.g., cleanup, homeless, transient, bulky items, etc.) from the LAPD's Automated Data System, which is responsive to RFPs 40 and 41. The City explained some information within the reports may be confidential, but it is willing to provide all responsive reports to Plaintiffs following internal review, with the understanding that Plaintiffs will then review the police reports and on a future date further meet and confer with the City about the production of associated police investigative files. The City indicated it will run some search terms within the LAPD's Automate Data System and follow up with Plaintiffs regarding the production of responsive police reports on Thursday, November 19. At that time, we request the City provide Plaintiffs the search terms used by the City to search for responsive documents.

Among the police reports responsive to Plaintiffs' Requests for Production are the Release from Custody (RFC) citations for violation of LAMC 56.11. As discussed during the call, the City's Response to Request for Production No. 40 indicates there are approximately 3,300 of these RFCs. The City indicated in those responses that the City was willing to meet and confer about whether it would be able to provide a spreadsheet of all of the RFCs. As indicated during the call, Plaintiffs obtained that spreadsheet of these from the City's open data source, so all that is outstanding is production of the RFCs themselves. We maintain that these RFCs, which are notices to appear and serve as complaints, should be accessible to the City Attorney's office in digital copy, as these are submitted to court in digital copy. Plaintiffs agreed to send the City the spreadsheet obtained for the City's convenience, and the City indicated they will contact the criminal division of the City Attorney's office for access to these documents. Plaintiffs look forward to receiving an update on the production of responsive RFCs on Thursday, November 19.

3. Storage Data (Request for Production Nos. 43-49)

Plaintiffs reiterated our request for quantitative data related to storage, noting again that the City had quantitative summaries of data in its opposition to Plaintiffs' preliminary injunction, and had now produced some handwritten "chain of custody forms." Plaintiffs again requested the City produce the raw data that was used to create the spreadsheets used by the City in papers filed with the Court. The City indicated it was unaware of the source of the data used by the City in its opposition and would reach out to Chrysalis, the likely custodian of this data. The City indicated it would be willing to track down and gather the location of all such responsive qualitative and quantitative data for production to Plaintiffs. We look forward to the City's update on production of this data on Thursday, November 19.

Also, we did not note this on the call, but the City's production of the storage receipts is incomplete. The City appears to have provided storage receipts for January-March 2018 and April 2019 to the present. We assume, based on the form of the production, that it was straightforward to produce these documents, and we expect the City will produce the remainder of 2018 and the first three months of 2019.

Responsive Communications

With respect to responsive discovery related to communications, the City has agreed that it will provide responsive communications, and Plaintiffs agreed to provide the City with a list of custodians and search terms for review, in order to identify responsive communications. The parties agreed to meet and confer about the search terms should the City dispute the list, and once the list is finalized the City agreed to run the search terms, evaluate the number of hits, and further meet and confer about the production with Plaintiffs. Plaintiffs agreed to provide the City with this list of custodians and search terms Plaintiffs indicated that this list of custodians will likely be supplemented on a future date given the City's currently anticipated additional document productions, and the City indicated it understood this. We assume this means the City will search for additional responsive documents when those custodians are identified, but we would appreciate a confirmation on this point.

Conclusion

We look forward to conferring again once the City receives the additional information it needs to address these outstanding issues. As mentioned on our call, there are a number of other outstanding issues related to production. We agreed to defer the discussion of those issues until the City has further information about its ability to provide us data responsive to our requests. It is obviously our hope the City's production will address these issues.

Finally, while we appreciate the City's willingness to now cooperate with Plaintiffs and look into producing additional documents, as we noted on the call, the City has had the RFPs since October 2019 and has objected based on burden since then. We have repeatedly attempted to meet and confer on these issues and find compromises. The City's willingness to now investigate and see how feasible it is to produce responsive documents, at the eleventh hour after Plaintiffs have indicated our intention to move to compel, leads to concerns that this change in approach is little more than an attempt to further delay this litigation. The fact that the City remains unable to answer straightforward questions about the availability of data, after spending months objecting to burden and overbreadth, further undermines the City's credibility on these issues.

We have expressed since the beginning of this case that it is the parties' best interest to meet and confer to address these issues, without involving the court. But this further delay must yield further responsive discovery or we will need to seek court intervention, and we will raise these continued efforts to delay with the Court.

We look forward to hearing from you today.

Sincerely,

/s

Shayla Myers
Pui-Yee Yu

EXHIBIT AA

Subject: Re: Garcia v. City of Los Angeles
Date: Thursday, November 19, 2020 at 5:07:55 PM Pacific Standard Time
From: Patricia Ursea
To: Shayla R. Myers
CC: Felix Lebron, Gabriel Dermer, Pui-Yee Yu, Herbert, Benjamin Allen, Michael Onufer, Park, Patrick, Blake, Sam, Cathy Sweetser
Attachments: Outlook-hhocwodk.png

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

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Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unowned persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

Patricia Ursea
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Business & Complex Litigation
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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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EXHIBIT AB



7000 S. Broadway
Los Angeles, CA 90003
213-640-3950
213-640-3988 fax
www.lafla.org

VIA EMAIL

November 24, 2020

Gabriel Dermer
Patricia Ursea
Felix Lebron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

RE: *Garcia v. City of Los Angeles*; Case No. 2:19-cv-06182

Dear Counsel,

We are following up from our latest discussion regarding the City's production of documents responsive to Plaintiffs' Requests for Production of Documents, Set One. Per our discussion, attached please find an initial proposed list of custodians and search terms to identify emails responsive to our requests. We have attempted to tailor our requests to respond to our understanding of the City's representations about the way in which the ITA runs searches of emails and to identify documents responsive to our requests. Rather than providing a single list of custodians and a single list of terms, we provided categories of employees and search strings for each of the categories of custodians, which we think is more appropriate, given the different departments involved in these cleanups.

In addition, we attempted to identify all custodians by name; however, we are unaware of the names of names of city council staff responsible for addressing specific encampments. We have also attempted to identify search terms that will capture documents responsive to our requests. Those terms are based on our understanding of the ways in which city employees discuss various issues; if you are aware of terms that not do correspond the way relevant departments discuss specific issues, such that the terms will not hit on documents responsive to our requests, or if we have failed to include abbreviations, phrases, etc., in our list that you are aware would identify responsive documents, we expect that the City will notify us of those terms, abbreviations, phrases, etc.

Finally, if you think it would be beneficial to discuss these terms or custodians, we request you provide us with hit counts for any terms you want to discuss, so this can guide our discussion.

Please let us know if you have any questions and when you anticipate receiving a response re: the responsive terms.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Myers".

Shayla Myers

***Garcia v. City of Los Angeles*, Case No. 2:19-cv-06182**

Plaintiffs’ Proposed Custodians and Search Terms

<u>LA SANITATION</u>	
ECI Staff Howard Wong Pawan Verma Gonzalo Barraga Jonelle Gardea	56.11 “rapid response” CARE HOPE (“immediate threat” or hazard) bulky (“the BIN” or “507 Towne” or Chrysalis or storage) HE/ID “posting survey”
Steven Pederson	56.11 “rapid response” CARE HOPE ((“immediate threat” or hazard) w/30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process*)) (“bulky item” w/30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process*)) (“the BIN” or “507 Towne” or Chrysalis or storage)
LA SAN leadership Domingo Orosco Gabriel Miranda Jose Garcia	56.11 CARE HOPE “rapid response” (“the Bin” or “507 town” or “involuntary storage” or Chrysalis)
Community Services Group Renee Schackelford Bladimir Campos Sarah Bell Diana Gonzales	(Lomita or McCoy) (Aetna or Cedros or Bessemer) (Ardmore or Kingsley or Hobart or Harvard or 4 th or 5 th or 6 th or 7 th or 8 th or Wilshire Figueroa or 52 or Grand or Flower or 110)
<u>COUNCIL STAFF</u>	
Council District 15	(Lomita or Mccoy) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or

	<p>sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 9	<p>((Grand or Figueroa or 110 or 52nd or Flower) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 6	<p>(or Tyrone or Cedros or Bessemer w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 10	<p>((Ardmore or Kingsley or Hobart or Harvard or 4th or 5th or 6th or 7th or Wilshire) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p>
<u>UHRC</u>	
<p>Brian Buchner</p> <p>Jamie Keene</p>	<p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>(“comprehensive cleanup”)</p> <p>HOPE</p> <p>(“trash bags” or “trash can*” or toilet or portapotty or porta-potty or “Pit Stop” Mobile hygiene unit or MHU)</p> <p>(“the BIN” or “507 Towne” or storage” or Chrysalis)</p>

<u>City Attorney</u>	
Gita O'Neill	56.11
<u>LAPD</u>	
HOPE Sgts	56.11
Frank Lopez	Lomita or McCoy 56.11
Command Staff	56.11
Dominic Choi	HOPE
Donald Graham	"rapid response"
Emada Tingirides	CARE
City Witnesses	
City witnesses identified in the Rule 26 (other than those included above)	56.11 notice ("immediate threat" or hazard) ("the BIN" or storage or Chrysalis)

EXHIBIT AC

Subject: Re: Garcia v. City of Los Angeles
Date: Friday, December 4, 2020 at 5:01:32 PM Pacific Standard Time
From: Shayla R. Myers
To: Patricia Ursea
CC: Felix Lebron, Gabriel Dermer, Pui-Yee Yu, Herbert, Benjamin Allen, Michael Onufer, Park, Patrick, Blake, Sam, Cathy Sweetser, Justin Grams
Attachments: Outlook-hhocwodk.png, Outlook-htivveol.png, Outlook-smwseoqi.png

Patricia,

We will review your proposed terms and get back to you shortly.

Did you run searches to determine how many emails the terms are hitting? We are amenable to qualifying the terms, especially HOPE, but we need a baseline or some sampling to evidence whether the terms are in fact overbroad or are generating false hits.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Friday, December 4, 2020 3:52 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>
Subject: Re: Garcia v. City of Los Angeles

Counsel:

Following up on the email search terms, the system is apparently not capable of running case-sensitive searches, which makes the terms "CARE" and "HOPE" extremely overbroad. Based on how these terms are typically used in the relevant context, we propose the following search terms instead:

H.O.P.E.
"hope program"
"hope team"
"hope unit"
"hope initiative"

C.A.R.E.
"care program"
"care team"

“care unit”
“care plus”
“care+”

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

Patricia Ursea
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On Tue, Dec 1, 2020 at 12:46 PM Patricia Ursea <patricia.ursea@lacity.org> wrote:

Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as soon as we receive the results.

We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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confidential or sensitive information, such as social security numbers, account numbers, personal identification numbers and passwords, to the City via ordinary (unencrypted) e-mail.

On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafila.org> wrote:
Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafila.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 19, 2020 5:07 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles

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Counsel,

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Thanks,

Shayla Myers | Senior Attorney
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EXHIBIT AD

Subject: Re: Garcia v. City of Los Angeles
Date: Tuesday, December 8, 2020 at 12:58:13 PM Pacific Standard Time
From: Patricia Ursea
To: Shayla R. Myers
CC: Felix Lebron, Gabriel Dermer, Pui-Yee Yu, Herbert, Benjamin Allen, Michael Onufer, Park, Patrick, Blake, Sam, Cathy Sweetser, Justin Grams
Attachments: Outlook-pknq3pq0.png, Outlook-gvwb3kin.png, Outlook-wpiswiea.png, Outlook-tavpzm1p.png

Counsel:

As you know, we do not run searches but rather submit search requests to the appropriate IT departments, which must construct and run searches, and download documents, not only for this case but a multitude of other cases the City is involved in, CPRA requests, and a variety of other reasons. The search process, which is detailed in the City's objections to the Plaintiffs' RFPs and in the City's letters of August 24, 2020 and September 25, 2020, is resource-intensive and time-consuming. Furthermore, each time a request is submitted, it goes to the back of line. Given that Plaintiffs have asked the City to run very broad searches, including two words that are extremely common in emails (e.g., "I **hope** you are well"; "Take **care**,"), involving over 40 custodians, we thought it would be more efficient to construct alternative search parameters to address obvious overbreadth issues so that IT could run the searches as part of one request.

We had intended to also meet-and-confer up front as to some of the other custodians and search terms. For example, Gita O'Neil is an attorney and the term "56.11" is likely to result in an enormous number of privileged documents that would burden the review process in a manner we do not believe is proportional to the needs of the case. We were exploring options for narrowing the results that we planned to confer with Plaintiffs about but given that this approach has led to accusations of intentional delay, we will do as Plaintiffs wish and request IT to run an initial search with no limitations, then meet-and-confer if needed, and then request additional searches if appropriate.

On the subject of the alleged delay, your email does not accurately reflect the relevant timeline of the parties' search term negotiations. The City agreed to meet and confer about custodians and search terms on August 25, 2020. The City later reiterated that agreement in a letter dated September 25, 2020. Plaintiffs did not provide the custodians and search term proposal until November 24, 2020, which also happened to be two days before Thanksgiving. That Thursday and Friday were City holidays and many employees were out on other days that week, including myself. Upon returning the following week, we consulted with IT about the proposed searches. When we discovered that the searches IT runs are not case sensitive, we then developed alternative search parameters to address the CARE and HOPE issues, which we shared with Plaintiffs on Friday of that week.

In response to your question, with the exception noted below, we aim to submit the requests to the various IT departments this week, including the alternative search parameters you suggested for CARE and HOPE. The exception is that we will need to further meet and confer concerning Plaintiffs' request for "council staff" from the four Council Districts. A preliminary inquiry indicates that this would require searching emails for over 60 employees, not including former employees. As a compromise, we are working on identifying the employees in each Council District that were/are most likely to communicate about cleanups, 56.11, and related authorizations 2018 to the present. We will propose a subset of custodians from those Council Districts once we have completed our inquiry. In the meantime, if you are aware of the names of specific employees in the Council Districts you believe would have relevant information, please let us know.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
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Los Angeles, California 90012
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(213) 978-7569

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On Mon, Dec 7, 2020 at 5:04 PM Shayla R. Myers <SMyers@lafila.org> wrote:

| Counsel,

When do you intend to run the searches? We provided the list to you almost two weeks ago, with an expectation that you would quickly run the searches and provide a hit report, so we would have a baseline to discuss limiting the results. We appreciate that you do not want any more delay, but we're confused as to why there has already been such a delay, and how long we can anticipate until we get the results of these searches.

With regards to the proposed limiters, we are fine with running both the original terms and running them with limiters, so we can compare the results.

Rather than using specific exact phrases, we would propose using proximity searches:

HOPE:

H.O.P.E.

HOPE /5 program or team or unit or initiative

For all custodians: [HOPE /30 homeless or encampment]

For custodians not within LAPD, add: [/30 LAPD or officer]

For custodians not within LA SAN: add [/30 sanitation or LASAN or "LA San"]

CARE:

C.A.R.E.

CARE+

care /5 (plus or team or program or unit)

[care /30 rollout or training or policy or protocol or operation or practice or launch or initiative or clean or cleanup or homeless or encampment or "service day" or trash or "bulky item"]

For custodians not within LA SAN: add [sanitation or LASAN or "LA San"]

We expect that we will be able to sample the results, to see if the extent to which there are false hits from HOPE and CARE. While we appreciate that these are ordinary words, they are also specific terms of art related to the case, and we expect at least with CARE, that a significant number of responsive emails will use CARE standing alone, without identifiable terms we can use to limit the results.

Given the back and forth that will inevitably be required to address these issues, we'd appreciate both an answer to our question about the City's expected timeline, and that the parties can move more quickly to address these issues.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Monday, December 7, 2020 9:00 AM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>
Subject: Re: Garcia v. City of Los Angeles

Thank you, Counsel. IT has not yet run the searches but as we believe it is highly likely that the word "hope" and possibly "care" will result in false hits, we wanted to be prepared with alternative search terms that we can give IT at the outset. IT can run the searches first without limitations and then with the limitations but we wanted to get the Plaintiffs' weigh-in on the alternative search terms to minimize the potential for delay.

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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City Hall East
200 N. Main Street, 6th Floor
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On Fri, Dec 4, 2020 at 5:01 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Patricia,

We will review your proposed terms and get back to you shortly.

Did you run searches to determine how many emails the terms are hitting? We are amenable to qualifying the terms, especially HOPE, but we need a baseline or some sampling to evidence whether the terms are in fact overbroad or are generating false hits.

Thanks,

Shayla Myers | Senior Attorney
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www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 4, 2020 3:52 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>

Subject: Re: Garcia v. City of Los Angeles

Counsel:

Following up on the email search terms, the system is apparently not capable of running case-sensitive searches, which makes the terms "CARE" and "HOPE" extremely overbroad. Based on how these terms are typically used in the relevant context, we propose the following search terms instead:

H.O.P.E.

"hope program"

"hope team"

"hope unit"

"hope initiative"

C.A.R.E.

"care program"

"care team"

"care unit"

"care plus"

"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

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On Tue, Dec 1, 2020 at 12:46 PM Patricia Ursea <patricia.ursea@lacity.org> wrote:

Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as

soon as we receive the results.

We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in

discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

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From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, November 19, 2020 5:07 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unhoused person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unhoused persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
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www.lafla.org | smyers@lafla.org



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EXHIBIT AE

Subject: Re: Garcia v. City of Los Angeles
Date: Tuesday, December 8, 2020 at 4:03:45 PM Pacific Standard Time
From: Shayla R. Myers
To: Patricia Ursea
CC: Felix Lebron, Gabriel Dermer, Pui-Yee Yu, Herbert, Benjamin Allen, Michael Onufer, Park, Patrick, Blake, Sam, Cathy Sweetser, Justin Grams
Attachments: Outlook-pknq3pq0.png, Outlook-gvwb3kin.png, Outlook-wpiswiea.png, Outlook-tavpzm1p.png, Outlook-ocns1rlf.png

Counsel,

We are not going to engage in a protracted back and forth at this stage of the litigation about delays or the parties' respective willingness to meet and confer. It is simply not a useful exercise and does little to move this litigation forward.

We would however, ask again that you provide an estimate about when the City anticipates providing us with the emails responsive to our requests.

As to the other issues you raised, we are open to meeting and conferring about 1) search terms for Ms. O'Neill and 2) custodians for City Council offices, provided you submit the rest of the search terms and custodians now, so as to not further delay the production of responsive documents.

With regards to Ms. O'Neill, we understand that she is a member of the City Attorney staff and is an attorney; however, we are aware that she has been involved in significant discussions with others outside of her role as attorney for the City. Therefore, we expect she would have documents responsive to our requests and relevant to this litigation. That said, if you have suggestions for further limiting her search, please let us know.

And we look forward to hearing from you about your proposed custodians for the City Council offices.

Thanks,

Shayla Myers | Senior Attorney
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From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Tuesday, December 8, 2020 12:58 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer

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<sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams
<justin.grams@lacity.org>

Subject: Re: Garcia v. City of Los Angeles

Counsel:

As you know, we do not run searches but rather submit search requests to the appropriate IT departments, which must construct and run searches, and download documents, not only for this case but a multitude of other cases the City is involved in, CPRA requests, and a variety of other reasons. The search process, which is detailed in the City's objections to the Plaintiffs' RFPs and in the City's letters of August 24, 2020 and September 25, 2020, is resource-intensive and time-consuming. Furthermore, each time a request is submitted, it goes to the back of line. Given that Plaintiffs have asked the City to run very broad searches, including two words that are extremely common in emails (e.g., "I **hope** you are well"; "Take **care**,"), involving over 40 custodians, we thought it would be more efficient to construct alternative search parameters to address obvious overbreadth issues so that IT could run the searches as part of one request.

We had intended to also meet-and-confer up front as to some of the other custodians and search terms. For example, Gita O'Neil is an attorney and the term "56.11" is likely to result in an enormous number of privileged documents that would burden the review process in a manner we do not believe is proportional to the needs of the case. We were exploring options for narrowing the results that we planned to confer with Plaintiffs about but given that this approach has led to accusations of intentional delay, we will do as Plaintiffs wish and request IT to run an initial search with no limitations, then meet-and-confer if needed, and then request additional searches if appropriate.

On the subject of the alleged delay, your email does not accurately reflect the relevant timeline of the parties' search term negotiations. The City agreed to meet and confer about custodians and search terms on August 25, 2020. The City later reiterated that agreement in a letter dated September 25, 2020. Plaintiffs did not provide the custodians and search term proposal until November 24, 2020, which also happened to be two days before Thanksgiving. That Thursday and Friday were City holidays and many employees were out on other days that week, including myself. Upon returning the following week, we consulted with IT about the proposed searches. When we discovered that the searches IT runs are not case sensitive, we then developed alternative search parameters to address the CARE and HOPE issues, which we shared with Plaintiffs on Friday of that week.

In response to your question, with the exception noted below, we aim to submit the requests to the various IT departments this week, including the alternative search parameters you suggested for CARE and HOPE. The exception is that we will need to further meet and confer concerning Plaintiffs' request for "council staff" from the four Council Districts. A preliminary inquiry indicates that this would require searching emails for over 60 employees, not including former employees. As a compromise, we are working on identifying the employees in each Council District that were/are most likely to communicate about cleanups, 56.11, and related authorizations 2018 to the present. We will propose a subset of custodians from those Council Districts once we have completed our inquiry. In the meantime, if you are aware of the names of specific employees in the Council Districts you believe would have relevant information, please let us know.

Patricia

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Counsel,

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With regards to the proposed limiters, we are fine with running both the original terms and running them with limiters, so we can compare the results.

Rather than using specific exact phrases, we would propose using proximity searches:

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H.O.P.E.

HOPE /5 program or team or unit or initiative

For all custodians: [HOPE /30 homeless or encampment]

For custodians not within LAPD, add: [/30 LAPD or officer]

For custodians not within LA SAN: add [/30 sanitation or LASAN or "LA San"]

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CARE+

care /5 (plus or team or program or unit)

[care /30 rollout or training or policy or protocol or operation or practice or launch or initiative or clean or cleanup or homeless or encampment or "service day" or trash or "bulky item"]

For custodians not within LA SAN: add [sanitation or LASAN or "LA San"]

We expect that we will be able to sample the results, to see if the extent to which there are false hits from HOPE and CARE. While we appreciate that these are ordinary words, they are also specific terms of art related to the case, and we expect at least with CARE, that a significant number of responsive emails will use CARE standing alone, without identifiable terms we can use to limit the results.

Given the back and forth that will inevitably be required to address these issues, we'd appreciate both an answer to our question about the City's expected timeline, and that the parties can move more quickly to address these issues.

Thanks,

Shayla Myers | Senior Attorney
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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Monday, December 7, 2020 9:00 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>

Subject: Re: Garcia v. City of Los Angeles

Thank you, Counsel. IT has not yet run the searches but as we believe it is highly likely that the word "hope" and possibly "care" will result in false hits, we wanted to be prepared with alternative search terms that we can give IT at the outset. IT can run the searches first without limitations and then with the limitations but we wanted to get the Plaintiffs' weigh-in on the alternative search terms to minimize the potential for delay.

Patricia Ursea
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(213) 978-7569

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Patricia,

We will review your proposed terms and get back to you shortly.

Did you run searches to determine how many emails the terms are hitting? We are amenable to qualifying the terms, especially HOPE, but we need a baseline or some sampling to evidence whether the terms are in fact overbroad or are generating false hits.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 4, 2020 3:52 PM

To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>
Subject: Re: Garcia v. City of Los Angeles

Counsel:

Following up on the email search terms, the system is apparently not capable of running case-sensitive searches, which makes the terms "CARE" and "HOPE" extremely overbroad. Based on how these terms are typically used in the relevant context, we propose the following search terms instead:

H.O.P.E.
"hope program"
"hope team"
"hope unit"
"hope initiative"

C.A.R.E.
"care program"
"care team"
"care unit"
"care plus"
"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Dec 1, 2020 at 12:46 PM Patricia Ursea <patricia.ursea@lacity.org> wrote:

Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as soon as we receive the results.

We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in

response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

Patricia Ursea
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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

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From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, November 19, 2020 5:07 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unhoused person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unhoused persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

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EXHIBIT AF



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Writer's Direct Line (213) 640-3983

Our File Number 19-1306127

VIA EMAIL ONLY

December 9, 2020

Patricia Ursea
Gabriel Dermer
Felix Labron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

**RE: Garcia v. City of Los Angeles
Responses to Plaintiffs Requests for Production, Set One**

Counsel,

We have not heard back from the City on the majority of the issues outstanding from our November 14, 2020 call or the many other issues outstanding regarding the City's production of documents responsive to Plaintiffs' RFPS, Set One. This includes, but is not limited to:

1. Confirmation that the City is producing raw data exported from all databases used by LA Sanitation related to encampment cleanups
2. Production of photographs and other documents produced by the City of LA in native format or a format that preserves metadata;
3. Confirmation that the City will continue to produce all documents in TIFF format with metadata intact or in native format;
4. Search terms used to search for government tort claims and other documents;
5. Further amendments to the City's written responses that comply with Rule 34;
6. A privilege log

In addition, the City has not addressed the many specific questions we have raised about missing documents, including but not limited to the City's inexplicable failure to produce:

1. documents specific to the individual cleanups outlined in the complaint
2. a complete set of job descriptions for the applicable time period in this case
3. organizational charts that reflect the staffing of the relevant departments during the relevant time periods
4. power point presentations that are directly relevant and responsive to Plaintiffs' requests

Other Office Locations:

East Los Angeles Office, 5228 Whittier Blvd., Los Angeles, CA 90022; 213-640-3883
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501
Santa Monica Office, 1640 5th St., Suite 124, Santa Monica, CA 90401; 310-899-6200
Ron Olson Justice Center, 1550 W 8th Street, Los Angeles, CA 90017; 323-801-7989

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LEGAL SERVICES CORPORATION

5. reports and other data not included in the City's most recent agreement to produce raw data exported from databases, such as monthly tonnage reports and data provided to council offices regarding encampment cleanup, any reports generated by UHRC, LA Sanitation or other city agencies related to property seizure, destruction, and storage, etc.

When we yet again raised the inadequacy and seeming arbitrary nature of the City's production in November, Mr. Dermer indicated the City had not yet completed its production. But the City has not provided any additional documents and has refused to provide a date certain by which to complete its production as required by Rule 34. Moreover, the fact that the City has not completed the production of even these incredibly basic documents, nor provided any explanation for the failure to produce responsive documents, is unreasonable.

The City's offer to meet and confer after December 18 if Plaintiffs wish to request a subset of documents related to individual cleanups is also unreasonable. Plaintiffs requested documents related to additional individual cleanups as part of our initial requests. The documents are directly relevant to the existence of widespread and longstanding policies related to the violation of unhoused people's constitutional rights (which are outlined in detail in Plaintiffs' complaint), as well as for impeachment and credibility purposes, and to establish the dates and times of other incidents in which our clients' property was taken.

In response to Defendant's objections about burden and proportionality, we have offered myriad ways to address the City's objections. We have offered to limit the geographic and temporal scope of our requests, offered to discuss ways to reduce the burden on Defendants to produce the documents, etc. The City has refused to even discuss the production of any additional documents and has not offered any response, other than reject our suggestions and reiterate its view about the scope of the case and the value of the issues at stake.

Plaintiffs cannot continue to negotiate against ourselves, especially since we have no information about how the documents are kept in the normal course or what would actually be required to produce these documents (and again, we note that many of the documents have already been provided by the City in response to public records act requests). Moreover, the City has refused to acknowledge the significance of the issues at stake in this litigation, despite multiple court rulings and a City-wide preliminary injunction. Given these significant disagreements and the time that has already passed since Plaintiffs filed the case, it is unreasonable to suggest at this late date, that Plaintiffs wait yet another month, on the representation that the City might now be willing to meet and confer about a subset of documents it may determine is reasonable.

With regards to the documents the City has agreed to produce, namely some raw data, complaints and government tort claims, we are unclear what the City intends to actually produce on December 18. The City has not provided us the requested data dictionary for the databases or even confirmed whether the three databases the City is exporting data from are the universe of databases used by LA Sanitation to capture quantitative data related to encampment cleanups.

We also continue to object to the City's arbitrary December 18 production date, since these documents are in response to requests we formally propounded in July 2020 (but were given to the City over a

Page 3 of 3

Letter to City of Los Angeles re: RFPs Set One

year ago). More importantly, the date chosen by the City to finally produce documents is just three days before the last day for Plaintiffs to file a motion and have it heard before our existing discovery cutoff. Whether by design or by coincidence, the date chosen by Defendants does not leave Plaintiffs enough time to reasonably review whatever documents the City decides to produce on that date and still meet our filing deadline.

Therefore, we request you provide us with any additional documents the City intends to produce by Friday, December 11. If the City is unable to produce specific categories of documents before December 18, 2020, we request you provide us a more precise description of the documents you intend to produce on December 18 and a commitment to provide those documents on that date. And if there are any further issues about which you believe further discussions are warranted, we are available to do so this afternoon after 4:00 p.m. or tomorrow after 1:00 p.m. Otherwise, we intend to base our motion to compel on the documents the City has produced and the written responses provided to Plaintiffs by December 11.

While we have requested a continuance of all dates, we cannot assume that the request will be granted. Given the sheer number of disputes between the parties, we cannot prejudice our clients' interests by waiting any longer to seek court intervention. We would have strongly preferred not to engage in motion practice during the last few weeks of December. But while we control the date of the filing of the motion, the City has controlled every other aspect of the production, and the timing of our motion is based on the timing of the City's production. We are giving you advanced notice as a professional courtesy, so you can plan accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Myers".

Shayla Myers
Pui-Yee Yu

EXHIBIT AG

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One
Date: Friday, December 11, 2020 at 3:20:02 PM Pacific Standard Time
From: Shayla R. Myers
To: Patricia Ursea
CC: Felix Lebron, Gabriel Dermer, Herbert, Benjamin Allen, Sam Blake, Pui-Yee Yu, Catherine Sweetser
Attachments: Outlook-yki11hvx.png, Outlook-2vzzrcao.png, Outlook-4alia45z.png, Outlook-1qelb0by.png

Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
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213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, December 10, 2020 10:40 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbing accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafila.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set

One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

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213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**

www.lafla.org | smyers@lafla.org



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EXHIBIT AH

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One
Date: Friday, December 11, 2020 at 3:20:02 PM Pacific Standard Time
From: Shayla R. Myers
To: Patricia Ursea
CC: Felix Lebron, Gabriel Dermer, Herbert, Benjamin Allen, Sam Blake, Pui-Yee Yu, Catherine Sweetser
Attachments: Outlook-yki11hvx.png, Outlook-2vzzrcao.png, Outlook-4alia45z.png, Outlook-1qelb0by.png

Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, December 10, 2020 10:40 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbing accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafila.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set

One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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Patricia.Ursea@lacity.org
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

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Patricia

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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
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EXHIBIT AI

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Date: Wednesday, December 23, 2020 at 10:06:20 AM Pacific Standard Time

From: Shayla R. Myers

To: Patricia Ursea

CC: Felix Lebron, Gabriel Dermer, Herbert, Benjamin Allen, Sam Blake, Pui-Yee Yu, Catherine Sweetser

Attachments: Outlook-yki11hvx.png, Outlook-2vzzrcao.png, Outlook-4alia45z.png, Outlook-1qelb0by.png, Outlook-l1eh03ip.png, Outlook-ssqmov2o.png

Thank you Patricia. I hope everything is okay, and we'll look forward to your response next week.

-Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Wednesday, December 23, 2020 10:02 AM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

I am working on a more complete response to this email but a family medical emergency arose yesterday that requires me to be at the hospital, so I cannot finish that response at the moment. I hope to send it to you next week along with a status update on the other discovery issues we have been meeting and conferring about. In the meantime, I wanted to let you know that while we continue to disagree with your view of the City's discovery obligations in this regard, we want to move past this issue and forward with the litigation; therefore, we have asked LASAN to pull the electronic versions of the Plaintiff-specific incidents and the South LA incidents. We intend to produce the files on a rolling basis and will provide an estimated time of completion when we receive it.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Dec 18, 2020 at 4:59 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Patricia,

In our RFPs, Plaintiffs explicitly requested the metadata for all responsive documents. Moreover, Rule 34 requires the production of documents as they are kept in the normal course. The initial production from the City in November and December 2019 was deficient on both of these accounts. We attempted to meet and confer about the form of production as early as possible, as required by Rule 26, to avoid exactly this situation. Instead, the City opted to produce the documents as massive PDFs without useable metadata. Rule 34(b)(2)(E)(iii) is certainly not intended to allow a party to ignore other provisions of Rule 34 and then avoid fixing those errors by claiming it need not reproduce documents.

We are entitled to the requested metadata, but in the interest of obtaining this information as expediently as possible and without court intervention, we offered what we believe is a reasonable compromise. We look forward to hearing from you today if you are willing to provide these documents as requested. If not, we intend to raise this with the Court.

With regards to Mr. Haugabrook, we disagree with your statement that we were unable to provide a location where the cleanups occurred. We provided you that information in the Second Amended Complaint. In addition, we disagree with your characterization of the production of these "South LA" documents. While you view this as a courtesy, we consider this part of the City's discovery obligation in this case. We note that the City brought a motion for a more definite statement under Rule 8 of the Federal Rules of Civil Procedure, alleging that Mr. Haugabrook failed to provide sufficient details about his allegations. The District Court denied the motion, finding that Mr. Haugabrook had provided sufficient information for the City to investigate the claims. Plaintiffs in turn, are entitled to discovery related to those claims. We strongly disagree with the City's repeated assertion that these documents are the only documents related to cleanups conducted in "South LA" during March 2019, but we are entitled to the documents the City believes constitute the universe of these cleanups.

Also, this is the first time you have inquired whether any of the documents produced by the City relate to Mr. Haugabrook's claims. From our perspective, it is clear that the documents produced by the City do not form the basis for his claims, as they relate to cleanups that occurred nowhere near where Mr. Haugabrook alleges he was subjected to the City's unconstitutional practices.

We look forward to receiving documents consistent with the City's obligations under Rule 34.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003

213.640.3983 direct | 213.640.3988 facsimile
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 11, 2020 8:05 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We agree that rehashing the past is not productive and likewise wish to move forward with the litigation. We are hopeful that future correspondence from Plaintiffs will reflect this mutual goal and the City will be more than happy to also focus on the path ahead. We disagree with your characterization of the discovery owed to the City but in the spirit of moving forward, please see the following responses to discovery issues identified in your letter:

1. Format of initial production in November and December 2019. As we have said, our colleague Felix Lebron was primarily involved in the collection and production of these documents and as you know, he is on leave until next year so we have had to piece the history together as best as we can. Based on our investigation into this initial production, it is our understanding that most of the documents were delivered to our office in paper form. Subsequently, we were approved for e-discovery software and since then have collected documents electronically and have produced all documents in single page tiff or native, as appropriate. While we do not believe the City is required to re-produce documents in a different format (see FRCP Rule 34(b)(2)(E)(iii)), we are looking into the feasibility and burden of re-producing some or all of the cleanup-specific LASAN documents (watershed reports and photos) with metadata and hope to have an answer for you next week.

However, the City will not agree to reproduce as a matter of course the numerous documents included in its initial round of productions regarding various South LA watershed cleanups. As you know, the City produced those documents as a courtesy because Plaintiff Haugabrook was not able to identify the date and precise location of the alleged cleanup(s) that forms the basis of his claim, beyond the general location of South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce specific cleanup documents from the South LA universe of documents if Mr. Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden analysis noted above.

2. Format of future productions. The City confirms that it will continue to produce documents in in single page tiff or native, as appropriate.

3. Further document productions. We have identified and reviewed additional documents responsive to Plaintiffs' requests, including organizational charts, job descriptions, tonnage reports, cleanup reports to the Mayor's Office, and powerpoint documents. These documents will be produced next week. We are continuing our investigation into what has been collected and what there may be left to collect; we will continue to review and produce as soon as possible on a rolling basis.

4. Plaintiff-specific assignment logs and authorizations. We do not know why such documents were not included in the City's prior productions but we can assure you that the City is not withholding any such documents. At this time, we do not know whether or to what extent such documents exist. If they exist, the City will produce them. We are waiting to hear back from LASAN on this and will produce any such documents as soon as we receive them.

5. LAPD body cam footage. We have put in an additional inquiry to LAPD regarding the body cam footage because we have not been able to get a clear picture of the history of this collection effort. We are aware that not all officers turn on their body cams in all instances, which may be the reason for the "missing" footage, but we want to make sure that nothing was overlooked during the initial collection. We hope to have further information on this next week and intend to produce any additional footage if such exists as soon as we receive it.

6. Databases. We have been informed that the database information we described in our November 19 email is on track for the December 18th date. It is our understanding from several sources that the three databases we have agreed to produce are the only databases that house cleanup information but we have asked additional LASAN employees for further confirmation and await their responses, which we will share with you upon receipt.

7. Emails. We understand that the requested LAPD emails will be uploaded to our e-discovery software this weekend and we intend to begin review of them next week. Once we have a better understanding of the document numbers and hit rate, we will let you know to

what extent we believe the universe of documents for review should be limited in an attempt to eliminate false hits. We have put in a request to IT for LASAN and UHRC documents but do not have an estimated time of completion yet. Regarding CD staff members, we have made some progress but do not yet have a list of staff members that might be appropriate custodians. We are diligently working on this and will get back to you in the next week or so with an update.

We continue to work on these and the handful of other issues identified in your letter and will update you on a rolling basis as we learn additional information.

Thank you.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Dec 11, 2020 at 3:20 PM Shayla R. Myers <SMyers@lafila.org> wrote:

Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 10, 2020 10:40 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbying accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles

Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
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From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Friday, November 13, 2020 10:58 AM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
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7000 S. Broadway | Los Angeles, CA 90003
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EXHIBIT AJ

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Date: Tuesday, December 29, 2020 at 12:15:24 PM Pacific Standard Time

From: Patricia Ursea

To: Shayla R. Myers

CC: Felix Lebron, Gabriel Dermer, Herbert, Benjamin Allen, Sam Blake, Pui-Yee Yu, Catherine Sweetser

Attachments: Outlook-yki11hvx.png, Outlook-2vzrcao.png, Outlook-4alia45z.png, Outlook-1qelb0by.png, Outlook-l1eh03ip.png, Outlook-fhrvqerv.png

Counsel:

This email follows up on the status of the City's document production and issues discussed in Plaintiffs' meet-and-confer letters of November 19 and December 4, 2020 and our emails below. The City continues to reserve its objections as to these documents, including on relevance and proportionality grounds, and reiterates that it has agreed to produce these documents in the spirit of compromise and an effort to move the litigation forward.

AMS database: All electronically exportable data 1/1/18 to the end of 2019 was produced on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020221 - CTY020221. The 2020 data was not produced at that time due to an oversight and will be produced within the next few days.

PIMS database: All electronically exportable data 1/1/18 to the end of 2019 was produced on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020222 - CTY020222. The 2020 data was not produced at that time due to an oversight and will be produced within the next few days.

MyLA 311 Database: All electronically exportable data from 1/1/18 to the present, except contact information of the requestor to preserve confidentiality, was produced on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020223 - CTY020223.

Government Claims: The City produced all of the responsive claims that were located in the CityLaw database on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020224 -CTY020305.

As we noted in prior emails and meet-and-confer calls, the claims database does not permit boolean, proximity, or similar searches. The system permits up to three "and" search terms to be entered at a time but it functions best if one search term is entered at a time. Claims that have been submitted in paper form or uploaded as PDF attachments for any other reason are not searchable electronically and would need to be pulled individually and reviewed manually. The system allows restriction parameters to be set -- in relevant part, date of claim, type of claim, and department -- but none of those restrictions were used in conducting these searches so that the widest possible search net was cast.

The following search terms were run across the entire database. The results of these searches, approximately 1200 hits, were reviewed and responsive claims were produced:

cleanup
clean-up
ceaning
sweep
homeless
unhoused
sanitation
LASAN
bulky
56.11
destroy
destruction
encampment
dump
couch
pallet
cart
care+
hope

tent
trash
care

Plaintiff-specific files with metadata:

As we stated in our December 23, 2020 email, LASAN is pulling the electronic versions of the Plaintiff-specific reports and related documents, as well as the South Los Angeles documents included in the City's original productions, and the City will reproduce those documents with metadata intact. In addition, we have requested that LASAN double check to make sure it has collected all relevant Plaintiff-specific documents, including any scheduling documents and authorizations. The City will produce those documents on a rolling basis as we obtain them.

Body-cam footage:

As we stated in our emails of December 15 and 23, 2020, the City has produced all the body-cam footage it has located for the dates and locations specified in the complaint. The City is not withholding any footage related to those dates and locations. In our December 23rd email, we provided a chart correlating the body-cam files with the relevant officers' names and incident dates as well as an explanation of how the files were identified and collected.

Other specific categories of documents:

- Additional powerpoint presentations were produced on 12/16/20 and 12/23/20. See Load File Garcia 005, Bates Nos. CTY019334-CTY019480 and Load File Garcia 007, Bates Nos. CTY020306-CTY020312.
- Additional organizational charts were produced on 12/16/20 and 12/18/20. See Load File Garcia 005, Bates Nos. CTY013340, CTY015455 - CTY015487, CTY015504, and CTY018896, and Load File 006, Bates No. CTY019503.
- Additional data regarding tonnage reports and encampment cleanups, including cleanup reports to the Mayor's Office, were produced on 12/16/20 and 12/18/20. See Load File Garcia 005, Bates Nos. CTY016067- CTY018873, and Load File 006, Bates Nos. CTY019504 -CTY020209.
- Additional job descriptions were produced on 12/16/20. See Load File Garcia 005, Bates Nos. Bates Nos. CTY018874-018900.

We are still working on the other categories of documents Plaintiffs requested, including police complaints, RFCs, and email communications, and will get back to you on these as soon as we can.

Best wishes for the New Year,

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
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On Fri, Dec 18, 2020 at 5:21 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have received the City's production and are in the process of reviewing it. One of the spreadsheets, CITY 20222 only contains data through 12/31/2019. The City previously agreed to produce this data through the present and the other two databases contained 2020 data.

We'd appreciate clarification today as to whether the City is withholding data or if this was an error. If we don't get clarification this evening, we'll presume the City is withholding the 2020 data based

on its objections and seek court intervention for the rest of the data.

Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Shayla R. Myers <SMyers@lafla.org>
Sent: Friday, December 18, 2020 4:59 PM
To: Patricia Ursea <patricia.ursea@lacity.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Patricia,

In our RFPs, Plaintiffs explicitly requested the metadata for all responsive documents. Moreover, Rule 34 requires the production of documents as they are kept in the normal course. The initial production from the City in November and December 2019 was deficient on both of these accounts. We attempted to meet and confer about the form of production as early as possible, as required by Rule 26, to avoid exactly this situation. Instead, the City opted to produce the documents as massive PDFs without useable metadata. Rule 34(b)(2)(E)(iii) is certainly not intended to allow a party to ignore other provisions of Rule 34 and then avoid fixing those errors by claiming it need not reproduce documents.

We are entitled to the requested metadata, but in the interest of obtaining this information as expediently as possible and without court intervention, we offered what we believe is a reasonable compromise. We look forward to hearing from you today if you are willing to provide these documents as requested. If not, we intend to raise this with the Court.

With regards to Mr. Haugabrook, we disagree with your statement that we were unable to provide a location where the cleanups occurred. We provided you that information in the Second Amended Complaint. In addition, we disagree with your characterization of the production of these "South LA" documents. While you view this as a courtesy, we consider this part of the City's discovery obligation in this case. We note that the City brought a motion for a more definite statement under Rule 8 of the Federal Rules of Civil Procedure, alleging that Mr. Haugabrook failed to provide sufficient details about his allegations. The District Court denied the motion, finding that Mr. Haugabrook had provided sufficient information for the City to investigate the claims. Plaintiffs in

turn, are entitled to discovery related to those claims. We strongly disagree with the City's repeated assertion that these documents are the only documents related to cleanups conducted in "South LA" during March 2019, but we are entitled to the documents the City believes constitute the universe of these cleanups.

Also, this is the first time you have inquired whether any of the documents produced by the City relate to Mr. Haugabrook's claims. From our perspective, it is clear that the documents produced by the City do not form the basis for his claims, as they relate to cleanups that occurred nowhere near where Mr. Haugabrook alleges he was subjected to the City's unconstitutional practices.

We look forward to receiving documents consistent with the City's obligations under Rule 34.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 11, 2020 8:05 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We agree that rehashing the past is not productive and likewise wish to move forward with the litigation. We are hopeful that future correspondence from Plaintiffs will reflect this mutual goal and the City will be more than happy to also focus on the path ahead. We disagree with your characterization of the discovery owed to the City but in the spirit of moving forward, please see the following responses to discovery issues identified in your letter:

1. Format of initial production in November and December 2019. As we have said, our colleague Felix Lebron was primarily involved in the collection and production of these documents and as you know, he is on leave until next year so we have had to piece the history together as best as we can. Based on our investigation into this initial production, it is our understanding that most of the documents were delivered to our office in paper form. Subsequently, we were approved for e-discovery software and since then have collected documents electronically and have produced all documents in single page tiff or native, as appropriate. While we do not believe the City is required to re-produce documents in a different format (see FRCP Rule 34(b)(2)(E)(iii)), we are looking into the feasibility and burden of re-producing some or all of the cleanup-specific LASAN documents (watershed reports and photos) with metadata and hope to have an answer for you next week.

However, the City will not agree to reproduce as a matter of course the numerous documents included in its initial round of productions regarding various South LA watershed cleanups. As you know, the City produced those documents as a courtesy because Plaintiff Haugabrook was not able to identify the date and precise location of the alleged cleanup(s) that forms the basis of his claim, beyond the general location of South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce specific cleanup documents from the South LA universe of documents if Mr. Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden analysis noted above.

2. Format of future productions. The City confirms that it will continue to produce documents in in single page tiff or native, as

appropriate.

3. Further document productions. We have identified and reviewed additional documents responsive to Plaintiffs' requests, including organizational charts, job descriptions, tonnage reports, cleanup reports to the Mayor's Office, and powerpoint documents. These documents will be produced next week. We are continuing our investigation into what has been collected and what there may be left to collect; we will continue to review and produce as soon as possible on a rolling basis.

4. Plaintiff-specific assignment logs and authorizations. We do not know why such documents were not included in the City's prior productions but we can assure you that the City is not withholding any such documents. At this time, we do not know whether or to what extent such documents exist. If they exist, the City will produce them. We are waiting to hear back from LASAN on this and will produce any such documents as soon as we receive them.

5. LAPD body cam footage. We have put in an additional inquiry to LAPD regarding the body cam footage because we have not been able to get a clear picture of the history of this collection effort. We are aware that not all officers turn on their body cams in all instances, which may be the reason for the "missing" footage, but we want to make sure that nothing was overlooked during the initial collection. We hope to have further information on this next week and intend to produce any additional footage if such exists as soon as we receive it.

6. Databases. We have been informed that the database information we described in our November 19 email is on track for the December 18th date. It is our understanding from several sources that the three databases we have agreed to produce are the only databases that house cleanup information but we have asked additional LASAN employees for further confirmation and await their responses, which we will share with you upon receipt.

7. Emails. We understand that the requested LAPD emails will be uploaded to our e-discovery software this weekend and we intend to begin review of them next week. Once we have a better understanding of the document numbers and hit rate, we will let you know to what extent we believe the universe of documents for review should be limited in an attempt to eliminate false hits. We have put in a request to IT for LASAN and UHRC documents but do not have an estimated time of completion yet. Regarding CD staff members, we have made some progress but do not yet have a list of staff members that might be appropriate custodians. We are diligently working on this and will get back to you in the next week or so with an update.

We continue to work on these and the handful of other issues identified in your letter and will update you on a rolling basis as we learn additional information.

Thank you.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles
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Los Angeles, California 90012
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On Fri, Dec 11, 2020 at 3:20 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our

responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
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7000 S. Broadway | Los Angeles, CA 90003
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www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 10, 2020 10:40 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbying accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in

response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 direct | 213.640.3988 facsimile
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu

<PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix LeBron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



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EXHIBIT AK

Subject: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One
Date: Tuesday, February 16, 2021 at 12:05:39 PM Pacific Standard Time
From: Shayla R. Myers
To: Patricia Ursea
CC: Felix Lebron, Gabriel Dermer, Herbert, Benjamin Allen, Sam Blake, Catherine Sweetser
Attachments: image001.png

Counsel,

We have not heard back from the City in over two months regarding the production of emails responsive to the RFPs we served in July. The City indicated in December, more than two months ago, that it had been provided emails from the LAPD responsive to our request, and yet the City has, to date produced only a handful of emails and had not updated Plaintiffs about the status of production or attempted to meet and confer about the search terms.

We would note that our agreement to use search terms for responsive documents was predicated on a good faith understanding that the City would confer about search terms and custodians and that the documents would be produced in a reasonable time frame, relative to the deadlines in this case. Yet since we provided the search terms in December, the City has provided no additional information and has ignored our request for an update on the status of production.

While the parties sought and received an extension to engage in discovery, this does not mean we have unlimited time for the City to produce emails responsive to our request. Please let us know the status of the production of emails. We also request you provide us the list of custodians used to search for responsive emails.

We look forward to your response.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
Pronouns: *she/her*
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



EXHIBIT AL

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Date: Tuesday, March 2, 2021 at 3:35:04 PM Pacific Standard Time

From: Patricia Ursea

To: Shayla R. Myers

CC: Felix Lebron, Gabriel Dermer, Herbert, Benjamin Allen, Sam Blake, Catherine Sweetser, Justin Grams

Attachments: image001.png

Counsel,

Our e-discovery vendor is working on the City's next production, largely comprising LAPD emails, which should go out today or tomorrow. The LAPD custodians and search terms (provided by Plaintiffs and noted again below) resulted in 70,623 documents after deduplication (approximately 32 GB of raw data). We are over halfway through with the review and the City will be producing responsive documents over the next few weeks as quickly as possible.

In addition, on February 18, 2021, the City's IT department completed pulling documents from 29 custodians from (LASAN and UHRC) identified by Plaintiff and delivered them to the e-discovery vendor. This collection totaled approximately 250GB of raw data, which significantly exceeded the storage limit in the City's contract with the vendor and required the City to purchase additional storage. The additional storage space became available on March 1, 2021, and the vendor is in the process of ingesting the new data.

As memorialized in various emails, including on December 4th and 7th, the City agreed to the search the custodians and broad search terms provided by Plaintiff as an initial step and if the resulting universe of documents was unreasonably large, the parties would meet and confer about how to further limit it. That is undoubtedly the next step here. While we won't have precise numbers until the data is ingested and deduplicated, if the LAPD dataset is any guide, this new dataset likely contains over half a million documents. Once the documents are ingested and deduplicated, we will assess the data and meet-and-confer about ways to make the review manageable and proportional to the needs of the case.

Below are the LAPD custodians and search terms that were used, all with the same date range 01/01/2018 - 12/02/20:

Custodian	Search Terms
Jerald Case Werner Flores Marya Mason Adrian Maxwell	56.11
Frank Lopez (Francisco)	Lomita McCoy 56.11

Kevin Quyen Chung Marc J. Mahlke Kevin W. Cottle Won Yong Kim	56.11 notice "immediate threat" hazard "the BIN" "507 Towne" Chrysalis Storage
Dominic Choi Donald Graham Emada Tingirides	56.11 "rapid response" HOPE CARE

Best,

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Tue, Feb 16, 2021 at 12:05 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have not heard back from the City in over two months regarding the production of emails responsive to the RFPs we served in July. The City indicated in December, more than two months ago, that it had been provided emails from the LAPD responsive to our request, and yet the City has, to date produced only a handful of emails and had not updated Plaintiffs about the status of production or attempted to meet and confer about the search terms.

We would note that our agreement to use search terms for responsive documents was predicated on a good faith understanding that the City would confer about search terms and custodians and that the documents would be produced in a reasonable time frame, relative to the deadlines in this case. Yet since we provided the search terms in December, the City has provided no additional information and has ignored our request for an update on the status of production.

While the parties sought and received an extension to engage in discovery, this does not mean we have unlimited time for the City to produce emails responsive to our request. Please let us know the status of the production of emails. We also request you provide us the list of custodians used to search for responsive emails.

We look forward to your response.

Shayla Myers | Senior Attorney
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EXHIBIT AM

Subject: Garcia v. City of Los Angeles
Date: Wednesday, March 3, 2021 at 10:24:25 AM Pacific Standard Time
From: Shayla R. Myers
To: Patricia Ursea, Felix Lebron, Gabriel Dermer
CC: Michael Onufer, Sam Blake
Attachments: image001.png

Counsel:

In the City's latest Amended Interrogatory Responses, the City amended its response to Interrogatory 13, which calls for the City to identify all databases and enterprise systems used by the City to compile data related to Encampment Cleanups, to identify a fourth database, the CIS database. This response is contrary to your office's repeated representations that the City uses only three databases to capture LA Sanitation data. It is also contrary to the initial responses to the interrogatories served in January, which were signed by Ms. Ursea and verified by Mr. Orosco, a senior LA Sanitation manager.

As evidenced by the City's interrogatory response (and past productions of documents responsive to Plaintiffs' RFPs), it is directly responsive to Plaintiffs' request for production, and the City's failure to disclose this document during the parties' discussions over three months ago is unacceptable. We request the City provide us the contents of the database in a spreadsheet, as the City agreed to do with the three other LA Sanitation databases it previously identified, by no later than Friday, March 5, 2021.

As with our other requests, we request all data from April 2016 to the present. If the City excludes any data from the production, we request an explanation for the City's decision to do so, but we would note that, as with all of the City's databases, we do not believe the exclusion of any data is appropriate or warranted or allowed under Rule 34 of the Federal Rules of Civil Procedure. And as with the other databases, we continue to request the City provide us a data dictionary that describes the fields included.

We look forward for the prompt production of this document.

Shayla Myers | Senior Attorney
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EXHIBIT AN

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felix.lebron@lacity.org
patricia.ursea@lacity.org

Attorneys for Defendant **CITY OF LOS ANGELES**

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JANET GARCIA, et al.,

Plaintiffs,

vs.

CITY OF LOS ANGELES,

Defendant.

CASE NO.: CV19-6182-DSF-PLA
Assigned to Judge Dale S. Fischer

**DEFENDANT CITY OF LOS
ANGELES' AMENDED OBJECTIONS
AND RESPONSES TO PLAINTIFF
ZAMORA'S INTERROGATORIES SET
ONE**

PROPOUNDING PARTY: Plaintiff MIRIAM ZAMORA

RESPONDING PARTY: Defendant CITY OF LOS ANGELES

SET NUMBER: ONE

Pursuant to California Code of Civil Procedure §§ 2030.210 et seq., Defendant City of Los Angeles (“Defendant” or “City”) amends its responses and objections to Plaintiff Miriam Zamora’s (“Plaintiff”) Interrogatories – Set One, as follows:

PRELIMINARY STATEMENT

Defendant makes this response to Plaintiff’s first set of Interrogatories solely for the purpose of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, privilege, privacy, proprietary information, trade secrets and the like, and any and all other objections on grounds that would require the exclusion of any response herein if such were offered in court, all of which objections and grounds are reserved and may be interposed at the time of trial.

The identification of any document by Defendant should not constitute a waiver of its rights to assert a privilege or objection as to any other document and right to withhold the production thereof. The fact that a document is identified should not be taken as a concession of Defendant’s right to withhold any other document pursuant to an appropriate claim of privilege or objection, nor is a concession or waiver of said rights to be implied or inferred by propounding party.

No incidental or implied admissions are intended in these responses. The fact that Defendant has responded to any or all of any demand should not be taken as an admission that Defendant accepts or admits the existence of any facts set forth or assumed by such demand or that such response constitutes admissible evidence. The fact that Defendant has responded to any or all of any demand is not intended to and shall not be construed to be a waiver by Defendant of all or any part of any objection to any demand.

The following responses are based upon information known at this time and are given without prejudice to provide and use any subsequently discovered information at trial.

This preliminary statement is incorporated herein by reference to each of the responses below as if stated in full.

GENERAL OBJECTIONS

Defendant makes the following general objections to each interrogatory propounded by Plaintiff:

Defendant objects to each and every interrogatory insofar as said interrogatory seeks information protected by the attorney-client privilege or the attorney-work product doctrine. Plaintiff's interrogatories requests interpretation of the significance of documents as they apply to legal and factual issues of this case. This information is part of the work product of Defendant and its attorneys of record with regard to this litigation and therefore is privileged and undiscoverable. Plaintiff is presumably capable of determining which documents relate to special factual and legal issues and consequently any attempt by Plaintiff to require Defendant and its attorneys to prepare Plaintiff's case. Defendant hereby claims such privileges and to the extent that Defendant inadvertently provides information that may arguably be protected from discovery under the attorney-client privilege or the work product doctrine, such inadvertent disclosure does not constitute a waiver of any such privilege or doctrine.

Defendant objects to each and every interrogatory insofar as it seeks identification of all persons having knowledge of the information requested in the interrogatory or the facts referred to in the response thereto, on the grounds that such information would necessarily be incomplete. Individuals having knowledge of specific facts with respect to specific interrogatories may be named in the files and documents referred to by Defendant in its responses to said interrogatories.

Defendant objects to each and every interrogatory insofar as it seeks identification of all writings which support the facts provided in responses to that interrogatory on the grounds that providing such information would be unduly burdensome and oppressive. Defendant has made available for inspection and copying documents relating to the subject of this litigation. To identify each and every document which relates to any given issue in this complex litigation would require the Defendant to make a compilation, abstract, audit or summary of its business records and such a compilation, abstract, audit or summary does not exist. Therefore, Defendant

1 refers Plaintiff to Defendant's business records and files which have been referenced in
2 individual interrogatory responses.

3 Except for the references to specific documents in the text of the individual answers,
4 Defendant has not attempted to specify each individual interrogatory to which each document is
5 relevant. Most of the documents relate to more than one of the individual interrogatories due to
6 the overlapping of the subject matter of the interrogatories and documents. The relevance of
7 each document to the various issues addressed by these interrogatories is apparent from the
8 contents of each document. Defendant declines to list specific documents which relate to
9 particular problems for the following reasons:

10 a. Such a designation would be unduly burdensome and oppressive in that it
11 would require Defendant to make a compilation, abstract audit or summary of its voluminous
12 business records related to the subject of this litigation herein and such a compilation, abstract,
13 audit or summary does not now exist. On this ground, Defendant refers Plaintiffs to
14 Defendant's files and records which have been made available to Plaintiffs for inspection and
15 copying.

16 b. The analysis of Defendant's documents and files and the interpretation of
17 the significance of each specific document as it applies to the legal and factual issues of this case
18 are part of the work product of Defendant and its attorneys with regard to this litigation and
19 therefore not subject to discovery at this time. Defendant and its attorneys of record are
20 presumably equally capable of determining which documents relate to specific legal and factual
21 issues and any attempt to require Defendant to require Defendant to make and disclose such
22 analysis is an improper attempt by Plaintiffs to require Defendant and its attorneys to prepare
23 Plaintiff's case.

24 c. Defendant's responses do not attempt to identify or designate any
25 documents of any other parties to this action, including the inquiring party, which supports the
26 facts offered by Defendant in support of its responses with the exception of those documents
27 which are contained in Defendant's own files and records related to the subject of this litigation.
28

1 Defendant is informed and believes that many of the documents which Defendant is still in the
2 process of discovering and analyzing will support Defendant's contention in this lawsuit and
3 Defendant reserves the right to relay on any such documents in support of its contentions.

4 Defendant objects to each and every interrogatory insofar as the interrogatories are
5 vague, ambiguous, overly broad, unduly burdensome, oppressive, harassing, and seek
6 information and documents not relevant to the subject matter of the pending action and not
7 reasonably calculated to lead to the discovery of admissible evidence.

8 Defendant objects that the "Relevant Time" period of "April 9, 2016 to the present" is
9 overly broad, unduly burdensome, oppressive, harassing, seeks information and documents not
10 relevant to the subject matter of the pending action and not reasonably calculated to lead to the
11 discovery of admissible evidence, and not proportional to the needs of the case given that the
12 Second Amended Complaint (Dkt. No. 42, "SAC") alleges that Plaintiff Zamora's specific
13 incidents occurred on or around March 21, 2019 at 6th Street and Ardmore and on or around
14 June 11, 2019 at 5th Street and Harvard.

15 Defendant objects to each and every interrogatory insofar as the interrogatories seek
16 information that is not relevant to Plaintiff Zamora's specific claims alleged SAC for incidents
17 occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11,
18 2019 at 5th Street and Harvard and are overbroad to the extent that the interrogatories seek
19 information relating to any individual plaintiff other than Plaintiff Zamora.

20 Defendant objects to each and every interrogatory insofar as said interrogatory seeks to
21 impose obligations upon Defendant not required by the California Code of Civil Procedure or
22 the Local Rules of the Superior Court of the County of Los Angeles. Defendant will not comply
23 with any part of this interrogatory which imposes obligations upon it not required by such rules.

24 These General Objections shall be deemed incorporated into each and every specific
25 response below.

26 **RESERVATION OF RIGHT TO SUPPLEMENT OR MODIFY RESPONSES**

27 Defendant reserves the right to supplement, modify, or correct its responses and
28

1 objections to the demands, or any part of them, as Defendant acquires additional information in
2 the course of its investigation and discovery in this action.

3 **SPECIFIC OBJECTIONS AND RESPONSES**

4 Without waiving or limiting in any manner any of the foregoing Objections, but
5 rather incorporating them into each of the following responses to the extent applicable,
6 Defendant objects and responds to the Notice's specific Requests as follows:

7 **INTERROGATORY NO. 1**

8 IDENTIFY all trainings conducted by the CITY for its employees, contractors, or
9 agents, regarding LAMC 56.11, since that law was amended in April 2016, and the topic
10 of the training, the title of the training, the group to which the training was conducted
11 (i.e., all of LA Sanitation, Environmental Compliance Inspectors or Officers specifically,
12 one on one training), where the training was conducted, and any materials provided as
13 part of the training (such as PowerPoint slides).

14 **RESPONSE TO INTERROGATORY NO. 1:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff
17 Zamora's specific claims alleged in the SAC for incidents occurring on or around March
18 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and
19 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).
20 Defendant objects that the interrogatory is overbroad to the extent that it seeks
21 information relating to any individual plaintiff other than Plaintiff Zamora. Defendant
22 objects that the interrogatory is overbroad in seeking information dating back to April
23 2016, three years before Plaintiff Zamora's specific alleged incidents occurred. *Unilin*
24 *Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS
25 192143, *14 (C.D. Cal. Feb. 27, 2015). Defendant objects that the interrogatory is not
26 proportional to the needs of the case, insofar as the burden or expense of searching for
27 and producing information dating back to April 2016, three years before the specific
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1 alleged incidents occurred, outweighs the benefit of such discovery to Plaintiff Zamora's
2 specific claims alleged in the SAC. *See IBP, Inc. v. Mercantile Bank*, 179 F.R.D. 316,
3 321 (D. Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG),
4 2011 U.S. Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011).

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9 governmental entity's legislative body unquestionably satisfies Monell's policy
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11 F.3d 964 (9th Cir. 2010).

12 Defendant objects that Plaintiffs' definition of "IDENTIFY" is overbroad. *See*
13 *Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist.
14 LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015); *Lucero v. Valdez*, 240 F.R.D. 591, 594
15 (D. N.M. 2007). Defendant has made available for inspection and copying documents
16 relating to the subject of this litigation; to IDENTIFY each and every document by
17 providing the form of each document, creation dates, past and present custodians, etc.,
18 would require the Defendant to make a compilation, abstract, audit or summary of its
19 business records and such a compilation, abstract, audit or summary does not exist and
20 be unduly burdensome, oppressive and not proportional to the needs of the case.
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22 IDENTIFY every training but also to specify every employee, agent or contractor who
23 attended each training, as well as the topics of each such training, which would require
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25 and such a compilation, abstract, audit or summary does not exist and be unduly
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27
28

1 of Los Angeles, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, *
2 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-
3 cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016). Defendant
4 further objects that the term “training” is vague and ambiguous insofar as it suggests that
5 the only way an individual can be taught or instructed is through formal presentations and
6 that the only relevant education to enforcing LAMC 56.11 is in the form of City-
7 conducted trainings. Defendant objects that the interrogatory contains subparts seeking
8 information on distinct subjects and these subparts constitute separate interrogatories
9 against Plaintiff’s limit of 25. F.R.Civ.P. 33(a); *Collaboration Props. v. Polycorn, Inc.*,
10 224 F.R.D. 473, 475 (N.D. Cal. 2004). Defendant further objects to the extent this
11 interrogatory seeks information protected by the attorney-client privilege or the attorney-
12 work product doctrine. F.R.Civ.P. 26(b)(3)(A)-(B); *Kintera, Inc. v. Convio, Inc.*, 219
13 F.R.D. 503, *507 (S.D. Cal. 2003); *Reinsdorf v. Sketchers U.S.A., Inc.*, Case No. CV 10-
14 7181 DDP (SSx), 2013 U.S. Dist. Lexis 200627, * 15-17 (C.D. Cal. Sep. 9, 2013).

15 Subject to and without waiving these objections, Defendant responds as follows:

16 (a) Environmental Compliance Inspectors (“ECIs”), prior to their
17 appointment as an ECI, must meet the civil service minimum requirements by having
18 either have two years of full-time paid experience in a position at the level in explaining
19 or enforcing environmental health laws, ordinances, or regulations pertaining to
20 wastewater, solids, recyclables and/or stormwater treatment. Other ECIs, as a way of
21 meeting the minimum required qualifications for the classification, may have completed
22 a certain number of units from an accredited college or university in biology, chemistry,
23 environmental science, biochemistry, solid waste management technology, water supply
24 technology, stormwater or wastewater treatment technology, or engineering prior to their
25 appointment. In accordance with Charter Section 1010(b) and Civil Service Commission
26 Rule 5.31, selective certification will be used for some positions that require special
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possession of a current Hazardous Waste Operations and Emergency Response Standard (HAZWOPERS) certification (40-hour training), or a Hazardous Materials Specialist (HAZMAT) certification, both as certified by the California Specialized Training Institute, Office of Emergency Services. Further training and courses, including the course frequency and hours, as well as which courses are required for ECIs in the respective divisions (Watershed Protection Division (“WPD”) and Livability Services Division (“LSD”)), are listed in the training matrix produced at CTY015234-015234 (WPD/LSD Training Matrix). As reflected in the matrix, LSD ECIs are required to take a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) course and a subsequent annual refresher course, OSHA Blood Borne Pathogen, OSHA Medical Surveillance, and OSHA Heat Illness & Injury. Additional available courses include DOT HM 181/232.

In addition, LSD employees (and WPD employees) involved in encampment cleanups and/or LAMC 56.11 enforcement attending trainings by other experienced ECIs and/or Senior ECIs and/or Chief ECIs, the Unified Homeless Resources Center (“UHRC”), the City Attorney’s Office, Chrysalis, and the Los Angeles Police Department (“LAPD”). Additional training may occur in the field as ECIs, some with education and/or credentials in biology, biochemistry, chemical engineering, fire science, wastewater technology, and similar scientific disciplines instruct LSD employees on how to proceed with cleanup operations and address health hazards. Training also occurs during safety tailgate meetings and as-needed additional meetings (for example, when court decisions require changes in operations), which may occasionally involve written materials.

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- CTY012220-CTY012227 – Chrysalis Bulky Item Storage Training and Rosters (2020)
- CTY012266-CTY012269 – Rosters re LSD training on Mental Health/Crisis Communication and De-escalation & Sensitivity Training by LAPD (2019)
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- 1 • CTY012228-CTY012228 – CARE Team Training – UHRC (2019)
- 2
- 3 • CTY012232-CTY01223 – UHRC CARE Team Training Rosters (2019)
- 4
- 5 • CTY006413-006345 – LASAN Safety and Personal Protection Equipment at
- 6 Homeless Encampment Cleanups
- 7
- 8 • CTY019332-CTY019336 – LASAH CARE Trainings
- 9
- 10 • CTY012108-CTY012123 – “Operation Healthy Streets Exposure Control Plan for
- 11 Bloodborne Pathogens,” March 27, 2018, including attendance roster listing ECI
- 12 attendees (2018)
- 13
- 14 • CTY015165-CTY015170 – RAP homeless shelter training, including LAMC
- 15 56.11 Industrial Safety and Compliance Division Attendance Roster (2020)
- 16
- 17 • CTY015193-CTY015205; CTY012217-CTY012219 – ISCD Training Attendance
- 18 Rosters and Written Materials – Temporary adjustment to enforcement of specific
- 19 sections of LAMC 56.11 (2020)
- 20
- 21 • CTY015171-CTY015188 – LSD Attendance Roster for Rec & Parks Health
- 22 Hazard Determination (2020)
- 23
- 24 • CTY014997-CTY015004 – Methane Safety Tailgate Roster
- 25
- 26
- 27 • CTY012124-CTY012201 – Operation Healthy Streets Protocol; Bloodborne
- 28

1 Pathogens Tailgate with attendance roster

- 2
- 3 • CTY015006-CTY015007 – Protecting against Chemical Hazards Tailgate Roster
- 4
- 5 • CTY004507-CTY004510 – Memorandum of Agreement between LASAN and
- 6 LAPD Regarding the Screening and Storage of Certain Excess Personal Property
- 7 of Custodial Arrestees (2017/2018)
- 8
- 9 • CTY015243-CTY015243 – HOPE/RAPID RESPONSE TEAM UPDATE
- 10 presentation (2017)
- 11
- 12 • CTY015244-CTY015244 – LAMC 56.11 Posting Training Presentation
- 13
- 14 • CTY019334-CTY019334 – LAHSA CARE and CARE+ Comprehensive
- 15 Overview (2019)
- 16
- 17 • CTY019390-CTY019390 – Operation Healthy Streets Skid Row PowerPoint
- 18
- 19 • CTY020307-CTY020307 – CARE Program Supervisors Meeting (2019)
- 20
- 21 • CTY015150-CTY015157 – Training Documentation\Property Storage by
- 22 Chrysalis\ (ECI)
- 23
- 24 • CTY015158-CTY015158 – Unattended Property/bulky Items Regional Storage
- 25 Overview Roster (2020)
- 26
- 27
- 28

- 1 • CTY014856-CTY014856 – Performing Health Hazard Determinations Tailgate
2 Training Roster (2020)
3
- 4 • Certificates evidencing ECI’s completion of HAZWOPER courses were produced
5 at CTY010828 - CTY010857 (2020 Certificates for Daniel Truong, Sergio Arvayo,
6 Jazmine Saucedo, Alyssa Mireles, Jesus Sanchez, Jesus Gamez, Branid Cruz, Jay
7 Kim, Salvador Rosales, Michael Tran, Daniel Pearlman, Nekpen Aimiuwu,
8 Matthew Bates, Abraham Abrahamian, Bernard Dancel, Pawan Verma, Karen
9 Chebatoris, Warren Tan, Rachel Camacho, Karen Spencer, Arez Arzoumanian,
10 Jordan Wooten, Sudha Shrestha, Demetress M. Anderson, Gilberto Campos,
11 Ashley Avendano, Andrew Damron, Eduardo Valencia, Diana Powell, Ruben
12 Hernandez); CTY010996-CTY011017 (2020 Certificates Howard Wong, Mark
13 Trujillo, Chin Teo, Seyla Te, Adam Smith, Ching Peng, Steven Pederson, Katrina
14 Montgomery, Ron Metcalf, Ingrid Medina, Eric Lee, Gary Lara, Michael Gunby,
15 Isaac Frequez, Joe Fortaleza, Erick Estrada, Lucita Arzadon, Susan Berberabe,
16 Christian Centeno, Carolyn Cook, Behzad Eghtesady); see also CTY011108 -
17 CTY011109; CTY011696-CTY011697; CTY011883-CTY011884 (2019
18 Certificates); CTY010909 - CTY010953; CTY011206 - CTY011208; CTY011266
19 -CTY011269; CTY011493-CTY011495; CTY011645 - CTY011648; CTY011126
20 -CTY011130; CTY011712-CTY011716; CTY011131 - CTY011135; CTY011717
21 -CTY011721; CTY011252-CTY011253; CTY011772 - CTY011774; CTY011031
22 -CTY011032; CTY011254-CTY011255; CTY011266 - CTY011269; CTY011192
23 - CTY011192; CTY011813-CTY011814 (2018 Certificates)
24
- 25 • California Specialized Training Institute, Hazardous Materials Technician Series
26 Course Materials – CTY004852-CTY005256 (A-Week June 29-23, 2017);
27
28

CTY005257-005874 (B-Week July 10-14, 2017); CTY005875-6278 (C-Week June 24-28, 2017); CTY013750-14470 (Specialist Student Manual, Technician Workbook)

- CTY015329-CTY015342 – HAZWOPER DOCUMENTS\8 Hour HAZWOPER Refresher)
- CTY013362-CTY013400 – Medical Management and Rehabilitation Course Materials
- CTY014765-CTY014816 – Operation Healthy Streets Protocol
- CTY012236-CTY012240 – Clean Harbor Invoicing Training and Rosters (2018)
- CTY006398-006412 – LASAN LAMC 56.11 Posting Training
- CTY012285-CTY012292 – 2019-2020 Rosters reflecting Tailgate trainings on variety of topics, including postings, and training by LAHSA
- CTY012202-CTY012202; CTY014541-CTY014618 – Bloodborne Pathogen Tailgate Attendance Rosters (2018); CTY012210 - CTY012216 - Blood Borne Pathogen Training Rosters (2019)
- CTY012309-CTY012309 – Handling Hazardous Waste Tailgate training roster (2020)

- 1 • CTY008275–CTY008293; CTY020306-CTY020306 – LAMC 56.11 Training
- 2 PowerPoints
- 3
- 4 • CTY020307-CTY020307 – CARE Program Supervisors Meeting (2019)
- 5
- 6 • CTY020310-CTY020310 – Homeless Encampment Authorizations Process
- 7

8 (b) Concurrently served with these Amended Responses is an Excel spreadsheet that
9 reflects the trainings of LSD employees that are maintained by the Industrial Safety and
10 Compliance Division (“ISCD”). ISCD maintains records for Bureau-wide trainings,
11 including new employee trainings, safety, and field training. Division-specific trainings
12 may not be reflected in ISCD records. This spreadsheet will be included in the City’s
13 next production.

14
15 (c) The Los Angeles Police Department also receives training regarding LAMC 56.11
16 and homeless encampments. Documents related to such training and education were
17 previously produced in the City’s response to Request for Production. Defendant refers
18 Plaintiff to these documents for further response. F.R.Civ.P. 33(d)(1); *Rainbow Pioneer*
19 *# 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983). See Bates
20 Nos.:

- 21
- 22
- 23 • CTY004471-CTY004473 – Operations Order No. 5 - Training Requirements for
- 24 Sworn Personnel Assigned to Homeless Outreach Programs (2016)
- 25
- 26 • CTY006440-CTY006480, CTY006562-006590 – Homeless Briefing – “New
- 27 LAMC 56.11”
- 28

- CTY006591-CTY006595 – 56.11(3) Regulation and Impoundment of Stored Personal Property Discard of Certain Stored Personal Property
- CTY006596-CTY005697 – “LAMC 56.1(c) Attachments”
- CTY006598-CTY006598 – “LAMC 56.11 (d) Bulky Items”
- CTY006599-CTY006599 – “LAMC 5.11 Regulation of Property on City Streets”
- CTY006600-CTY006601– “LAMC 56.11.10: Unlawful Conduct Evidentiary Recommendations for Law Enforcement Personnel Only”
- CTY006602-CTY006602 – “Tents – Code section 56.11.10(h)”
- CTY006603-CTY006603 – “Attachments: Barrier, String, Rope, Wire, Chain, etc.” – Code section 56.11.10(c)”
- CTY006605-CTY6006702 – “Los Angeles Municipal Code 56.11 Standard Operating Protocols,” April 2016
- CTY006707-CTY006709 – “Homeless Outreach and Proactive Engagement (HOPE) Team”
- CTY006703-CTY006706 – “Los Angeles Police Department El Pueblo Historical Statistics, Strategies, and Weaknesses”

- 1 • CTY006604-CTY006604 – “Bulky Items – Code Section 56.11.10(d)”
- 2
- 3 • CTY006481-CTY006495 – LAMC 56.11 Training
- 4
- 5 • CTY006505-CTY006509 – “The Key to Understanding OSHA Propane
- 6 Regulations”
- 7
- 8 • CTY006510-CTY006513 – “Alley Enforcement for Encampments”
- 9
- 10 • CTY006514-CTY006541 – “Homeless Encampment Briefing, by Alin Sahagian,
- 11 Neighborhood Prosecutor Devonshire Area (2019)
- 12
- 13 • CTY010643-CTY010643 – LAMC 56.11 Training Roster (2018)
- 14
- 15 • CTY006753-CTY006759 – “City Council Deputy Training Meeting – Overview
- 16 on LAMC 56.11/85.02”
- 17
- 18 • CTY006760-CTY006787 – “OWB SLO Training 3/9/17 – LAMC 56.11”
- 19
- 20 • CTY006787-CTY006815 – 2016 HOPE Orientation, including Employee Sign-In
- 21 Sheets and Rosters;
- 22
- 23 • CTY006816-CTY006827 – 2017 HOPE Orientation, including Employee Sign-In
- 24 Sheets and Rosters
- 25
- 26 • CTY004475-CTY004476 – Special Order No. 13 – Policy Regarding Police
- 27
- 28

1 Contacts with Persons Experiencing Homelessness – Established (2016)

- 2
- 3 • CTY004477-CTY004479 – Regulations Affecting the Storage of Personal
- 4 Property in Public Areas – Los Angeles Municipal Code Section 56.11, Notice 1.11
- 5 from Director of Operations (2016)
- 6
- 7 • CTY004455- CTY004458 – Procedures on the Seizure, Booking, and Storage of
- 8 Personal Property Following A Custodial Arrest, Notice 1.11 from Chief of Police
- 9 (2019)
- 10

11 **INTERROGATORY NO. 2.**

12 IDENTIFY all trainings attended by any City employees, contractors or agents

13 participating in ENCAMPMENT CLEANUPS that referred to or related to the

14 identification and handling or disposal of property which the City considers to be “an

15 immediate threat to public health and safety,” as that term is used in LAMC 56.11, by

16 providing the date of the training, the topic of the training, the title of the training, the

17 group to which the training was conducted (i.e., all of LA Sanitation, ECIs specifically,

18 one-on-one), where the training was conducted, and any materials provided as part of the

19 training (such as PowerPoint slides).

20

21 **RESPONSE TO INTERROGATORY NO. 2:**

22 Defendant incorporates the General Objections as though fully set forth here.

23 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff

24 Zamora’s specific claims alleged in the SAC for incidents occurring on or around March

25 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and

26 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).

27 Defendant objects that the interrogatory is overbroad to the extent that it seeks

28

1 information relating to any individual plaintiff other than Plaintiff Zamora. Defendant
2 objects that the interrogatory is overbroad in seeking information dating back to April
3 2016, three years before Plaintiff Zamora's specific alleged incidents occurred. *Unilin*
4 *Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS
5 192143, *14 (C.D. Cal. Feb. 27, 2015). Defendant objects that the interrogatory is not
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10 321 (D. Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG),
11 2011 U.S. Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011).

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9 *15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-
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26 and/or credentials in biology, biochemistry, chemical engineering, fire science,
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- 23 Los Angeles Municipal Code 56.11 by Gonzalo Barriga MS, Lt. Environmental
- 24 Officer, LASAN, Watershed Protection, Environmental Enforcement
- 25
- 26 • CTY012220-CTY012227 – Chrysalis Bulky Item Storage Training and Rosters
- 27
- 28

1 (2020)

- 2
- 3 • CTY012266-CTY012269 – Rosters re LSD training on Mental Health/Crisis
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- 20 attendees (2018)
- 21
- 22 • CTY015165-CTY015170 – RAP homeless shelter training, including LAMC
- 23 56.11 Industrial Safety and Compliance Division Attendance Roster (2020)
- 24
- 25 • CTY015193-CTY015205; CTY012217-CTY012219 – ISCD Training Attendance
- 26 Rosters and Written Materials – Temporary adjustment to enforcement of specific
- 27
- 28

1 sections of LAMC 56.11 (2020)

- 2
- 3 • CTY015171-CTY015188 – LSD Attendance Roster for Rec & Parks Health
- 4 Hazard Determination (2020)
- 5
- 6 • CTY014997-CTY015004 – Methane Safety Tailgate Roster
- 7
- 8 • CTY012124-CTY012201 – Operation Healthy Streets Protocol; Bloodborne
- 9 Pathogens Tailgate with attendance roster
- 10
- 11 • CTY015006-CTY015007 – Protecting against Chemical Hazards Tailgate Roster
- 12
- 13 • CTY004507-CTY004510 – Memorandum of Agreement between LASAN and
- 14 LAPD Regarding the Screening and Storage of Certain Excess Personal Property
- 15 of Custodial Arrestees (2017/2018)
- 16
- 17 • CTY015243-CTY015243 – HOPE/RAPID RESPONSE TEAM UPDATE
- 18 presentation (2017)
- 19
- 20 • CTY015244-CTY015244 – LAMC 56.11 Posting Training Presentation
- 21
- 22 • CTY019334-CTY019334 – LAHSA CARE and CARE+ Comprehensive
- 23 Overview (2019)
- 24
- 25 • CTY019390-CTY019390 – Operation Healthy Streets Skid Row PowerPoint
- 26
- 27
- 28

- 1 • CTY020307-CTY020307 – CARE Program Supervisors Meeting (2019)
- 2
- 3 • CTY015150-CTY015157 – Training Documentation\Property Storage by
- 4 Chrysalis\ (ECI)
- 5
- 6 • CTY015158-CTY015158 – Unattended Property/bulky Items Regional Storage
- 7 Overview Roster (2020)
- 8
- 9 • CTY014856-CTY014856 – Performing Health Hazard Determinations Tailgate
- 10 Training Roster (2020)
- 11
- 12 • Certificates evidencing ECI's completion of HAZWOPER courses were produced
- 13 at CTY010828 - CTY010857 (2020 Certificates for Daniel Truong, Sergio Arvayo,
- 14 Jazmine Saucedo, Alyssa Mireles, Jesus Sanchez, Jesus Gamez, Branid Cruz, Jay
- 15 Kim, Salvador Rosales, Michael Tran, Daniel Pearlman, Nekpen Aimiwu,
- 16 Matthew Bates, Abraham Abrahamian, Bernard Dancel, Pawan Verma, Karen
- 17 Chebatoris, Warren Tan, Rachel Camacho, Karen Spencer, Arez Arzoumanian,
- 18 Jordan Wooten, Sudha Shrestha, Demetress M. Anderson, Gilberto Campos,
- 19 Ashley Avendano, Andrew Damron, Eduardo Valencia, Diana Powell, Ruben
- 20 Hernandez); CTY010996-CTY011017 (2020 Certificates Howard Wong, Mark
- 21 Trujillo, Chin Teo, Seyla Te, Adam Smith, Ching Peng, Steven Pederson, Katrina
- 22 Montgomery, Ron Metcalf, Ingrid Medina, Eric Lee, Gary Lara, Michael Gunby,
- 23 Isaac Frequez, Joe Fortaleza, Erick Estrada, Lucita Arzadon, Susan Berberabe,
- 24 Christian Centeno, Carolyn Cook, Behzad Egtesady); see also CTY011108 -
- 25 CTY011109; CTY011696-CTY011697; CTY011883-CTY011884 (2019
- 26 Certificates); CTY010909 - CTY010953; CTY011206 - CTY011208; CTY011266
- 27
- 28

-CTY011269; CTY011493-CTY011495; CTY011645 - CTY011648; CTY011126
-CTY011130; CTY011712-CTY011716; CTY011131 - CTY011135; CTY011717
-CTY011721; CTY011252-CTY011253; CTY011772 - CTY011774; CTY011031
-CTY011032; CTY011254-CTY011255; CTY011266 - CTY011269; CTY011192
- CTY011192; CTY011813-CTY011814 (2018 Certificates)

- California Specialized Training Institute, Hazardous Materials Technician Series Course Materials – CTY004852-CTY005256 (A-Week June 29-23, 2017); CTY005257-005874 (B-Week July 10-14, 2017); CTY005875-6278 (C-Week June 24-28, 2017); CTY013750-14470 (Specialist Student Manual, Technician Workbook)
- CTY015329-CTY015342 – HAZWOPER DOCUMENTS\8 Hour HAZWOPER Refresher)
- CTY013362-CTY013400 – Medical Management and Rehabilitation Course Materials
- CTY014765-CTY014816 – Operation Healthy Streets Protocol
- CTY012236-CTY012240 – Clean Harbor Invoicing Training and Rosters (2018)
- CTY006398-006412 – LASAN LAMC 56.11 Posting Training
- CTY012285-CTY012292 – 2019-2020 Rosters reflecting Tailgate trainings on variety of topics, including postings, and training by LAHSA

- CTY012202-CTY012202; CTY014541-CTY014618 – Bloodborne Pathogen Tailgate Attendance Rosters (2018); CTY012210 - CTY012216 - Blood Borne Pathogen Training Rosters (2019)
- CTY012309-CTY012309 – Handling Hazardous Waste Tailgate training roster (2020)
- CTY008275-CTY008293; CTY020306-CTY020306 – LAMC 56.11 Training PowerPoints
- CTY020307-CTY020307 – CARE Program Supervisors Meeting (2019)
- CTY020310-CTY020310 – Homeless Encampment Authorizations Process

(b) Concurrently served with these Amended Responses is an Excel spreadsheet that reflects the trainings of LSD employees that are maintained by the Industrial Safety and Compliance Division (“ISCD”). ISCD maintains records for Bureau-wide trainings, including new employee trainings, safety, and field training. Division-specific trainings may not be reflected in ISCD records. This spreadsheet will be included in the City’s next production.

INTERROGATORY NO. 3.

IDENTIFY each location where property that has been seized by the CITY pursuant to Los Angeles Municipal Code Section 56.11, is or has been stored after it was seized, at any time from April 16, 2016 to the present, including the address of the storage

1 facility, the date each storage facility was opened, and the square footage of any portion
2 of the building that is used for storage of property seized from homeless encampments.

3 **RESPONSE TO INTERROGATORY NO. 3:**

4 Defendant incorporates the General Objections as though fully set forth here.
5 Defendant incorporates the General Objections as though fully set forth here. Defendant
6 objects that the interrogatory seeks information that is not relevant to Plaintiff Zamora's
7 specific claims alleged in the SAC for incidents occurring on or around March 21, 2019
8 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard. *See*
9 *In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016). Defendant
10 objects that the interrogatory is overbroad to the extent that it seeks information relating
11 to any individual plaintiff other than Plaintiff Zamora. Defendant objects that the
12 interrogatory is overbroad in seeking information dating back to April 2016, three years
13 before Plaintiff Zamora's specific alleged incidents occurred. *Unilin Beheer B.V. v. NSL*
14 *Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D.
15 Cal. Feb. 27, 2015).

16 Defendant objects that the interrogatory is not proportional to the needs of the
17 case, insofar as the burden or expense of searching for and producing information dating
18 back to April 2016 outweighs the benefit of such discovery to Plaintiff Zamora's specific
19 claims alleged in the SAC. For the period January 1, 2018 to July 31, 2020 alone,
20 Defendant has identified 32,730 incidents within WPIMS constituting "encampment
21 cleanups" as defined in the Interrogatories, and 2016 is three years before the specific
22 alleged incidents occurred. *See IBP, Inc. v. Mercantile Bank*, 179 F.R.D. 316, 321 (D.
23 Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG), 2011 U.S.
24 Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). Defendant further objects that the
25 discovery sought is not proportional to the needs of the case because the burden and
26 expense of the proposed discovery outweighs the benefit of such information, and the
27
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interrogatory is not relevant, particularly given that Plaintiffs' theory of the case as articulated in the SAC is that Defendant does *not* store property but instead destroys it unlawfully. *Hoffman v. Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

Additionally, most information and documents related to storage are in the possession and custody of Chrysalis, a third-party company that contracts with LAHSA (not Defendant) to provide involuntary and voluntary storage for homeless individuals; Defendant understands that Plaintiffs have issued a document subpoena to Chrysalis and that documents with responsive information to this interrogatory are encompassed in that subpoena. Defendant objects that it has produced any storage-related documents it has identified in its investigation and has worked with Chrysalis to identify further documents, which Defendant has also produced as they were made available. Defendant objects that requiring it collecting documents from Chrysalis and analyze and summarize them in response to this interrogatory creates an undue burden that is not proportional to the needs of the case and requires Defendant to make a compilation, abstract, audit or summary of its records and such compilation, abstract, audit or summary does not exist. *Hoffman v. Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

Subject to and without waiving these objections, Defendant responds as follows: As specified in the chart below, the City currently has eight involuntary storage locations, totaling approximately 9,600 square feet of storage capacity:

Facility	Address	Storage Capacity
East Valley Yard (Valley)	11050 Pendleton St, Sun Valley, CA 91352	800 sq. ft. (1 Conex Box)
West Valley Yard (Northridge)	8840 Vanalden Ave, Northridge, CA 91324	800 sq. feet (1 Conex Box)
Hyperion Water Reclamation Plant (West)	12000 Vista Del Mar, Playa Del Rey, CA 90293	800 sq. ft. (1 Conex Box)
North Central Yard (Northeast)	452 N San Fernando Rd, Los Angeles, CA 90031	800 sq. ft. (1 Conex Box)
Gaffey Yard (San Pedro)	1400 N. Gaffey San Pedro CA. 90731	2400 sq. ft. (3 Conex Boxes)
South LA Yard *Overflow yard [see below]	786 S Mission Rd, Los Angeles, CA 90023	800 sq. ft. (1 Conex Box)
Jefferson Yard (Jefferson Site)	6000 W. Jefferson Blvd., Los Angeles 90232	1,600 sq. ft. (2 Conex Boxes)
Lopez Canyon	11950 Lopez Canyon Rd. Sylmar, CA 91342	1,600 sq. ft. (2 Conex Boxes)

Two of the above-referenced facilities recently opened in 2020: The Lopez Canyon facility (June 2020) and Jefferson Yard (July 2020). In addition, in May 2020 the storage space at the Gaffey Yard was increased from one Conex box to three Conex

1 boxes.

2 *The South LA Yard is only used as an overflow storage site for the Chrysalis
3 Towne Location; LASAN Staff does not take material to this site.

4 Chrysalis, a third-party independent contractor that contracts with LAHSA (not
5 Defendant) to provide involuntary and voluntary storage for homeless individuals
6 operates the Bin, located at 507 Towne Avenue. The approximate size of the involuntary
7 storage space available at the Bin is 2,000 square feet. When involuntary storage is
8 available, LASAN delivers non-hazardous property to the storage facility that is nearest
9 to the location of the cleanup and has capacity, completes a chain of custody form
10 transferring custody of property at the storage facility to Chrysalis, and notifies Chrysalis
11 of the delivery. Property stored in the facilities may be moved by Chrysalis to the Bin
12 after the cleanup or Chrysalis may arrange to drop the property off to the individual at a
13 public area (by a restaurant or supermarket) closer to the cleanup area or the individual.
14 The City does not track that information.

15 To the extent the City had in its possession chain of custody forms or other
16 storage-related information, it has produced such documents and intends to produce any
17 additional such documents if they are identified in its investigation or provided to the City
18 by Chrysalis. See Bates Nos. CTY004841 (2019 Storage Data); CTY009268-
19 CTY011938 (chain of custody forms); CTY0004843-CTY004850 (chain of custody
20 forms); CTY019486-CTY019492 (chain of custody form noting locations); see also
21 CTY004827 (Appendix A to Chrysalis Agreement, noting storage facilities and LASAN
22 post-cleanup delivery locations); CTY004842 (Chrysalis Agreement, "UAP Container
23 Location Information" noting storage locations and capacity); CTY016065-CTY016065
24 (January-June 2019 CSLA_HOPE_OHS Metrics & Totals); CTY015150-CTY015157
25 (Chrysalis Unattended Property Regional Storage Overview); CTY019488-CTY019488
26 (Unattended Property, Involuntary Storage Bin Policy); CTY019492-CTY019492 (2018
27
28

Unattended Property Metrics). Defendant refers Plaintiff to these documents for further response. F.R.Civ.P. 33(d)(1); *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983). Defendant does not intend to withhold any storage-related documents it identifies during its investigation.

INTERROGATORY NO. 4.

If any of the storage facilities identified in Interrogatory Two [sic] has increased or decreased in size or storage capacity since the building began being used for storage, provide the original size, the date when the storage facility increased or decreased in size, and the capacity and size after the increase or decrease.

RESPONSE TO INTERROGATORY NO. 4:

Defendant incorporates the General Objections as though fully set forth here. Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff Zamora's specific claims alleged in the SAC for incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016). Defendant objects that the interrogatory is overbroad to the extent that it seeks information relating to any individual plaintiff other than Plaintiff Zamora. Defendant objects that the interrogatory is overbroad in seeking information dating back to April 2016, three years before Plaintiff Zamora's specific alleged incidents occurred. *Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015).

Defendant objects that the interrogatory is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing information dating back to April 2016 outweighs the benefit of such discovery to Plaintiff Zamora's specific

1 claims alleged in the SAC. For the period January 1, 2018 to July 31, 2020 alone,
2 Defendant has identified 32,730 incidents within WPIMS constituting “encampment
3 cleanups” as defined in the Interrogatories, and 2016 is three years before the specific
4 alleged incidents occurred. *See IBP, Inc. v. Mercantile Bank*, 179 F.R.D. 316, 321 (D.
5 Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG), 2011 U.S.
6 Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). Defendant further objects that the
7 discovery sought is not proportional to the needs of the case because the burden and
8 expense of the proposed discovery outweighs the benefit of such information, and the
9 interrogatory is not relevant, particularly given that Plaintiffs’ theory of the case as
10 articulated in the SAC is that Defendant does *not* store property but instead destroys it
11 unlawfully. *Hoffman v. Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016
12 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of*
13 *San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D.
14 Cal. Dec. 14, 2016).

15 Additionally, most information and documents related to storage are in the
16 possession and custody of Chrysalis, a third-party company that contracts with LAHSA
17 (not Defendant) to provide involuntary and voluntary storage for homeless individuals;
18 Defendant understands that Plaintiffs have issued a document subpoena to Chrysalis and
19 that documents with responsive information to this interrogatory are encompassed in that
20 subpoena. Defendant objects that it has produced any storage-related documents it has
21 identified in its investigation and has worked with Chrysalis to identify further
22 documents, which Defendant has also produced as they were made available. Defendant
23 objects that requiring it collecting documents from Chrysalis and analyze and summarize
24 them in response to this interrogatory creates an undue burden that is not proportional to
25 the needs of the case and requires Defendant to make a compilation, abstract, audit or
26 summary of its records and such compilation, abstract, audit or summary does not exist.
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Hoffman v. Cnty. of Los Angeles, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

Defendant notes that the reference to “Interrogatory Two” appears to be a typographical error and interprets this reference to be properly to “Interrogatory Three.”

Subject to and without waiving these objections, Defendant responds as follows:

As specified in the chart below, the City currently has eight involuntary storage locations, totaling approximately 9,600 square feet of storage capacity:

Facility	Address	Storage Capacity
East Valley Yard (Valley)	11050 Pendleton St, Sun Valley, CA 91352	800 sq. ft. (1 Conex Box)
West Valley Yard (Northridge)	8840 Vanalden Ave, Northridge, CA 91324	800 sq. feet (1 Conex Box)
Hyperion Water Reclamation Plant (West)	12000 Vista Del Mar, Playa Del Rey, CA 90293	800 sq. ft. (1 Conex Box)
North Central Yard (Northeast)	452 N San Fernando Rd, Los Angeles, CA 90031	800 sq. ft. (1 Conex Box)
Gaffey Yard (San Pedro)	1400 N. Gaffey San Pedro CA. 90731	2400 sq. ft. (3 Conex Boxes)

South LA Yard *Overflow yard [see below]	786 S Mission Rd, Los Angeles, CA 90023	800 sq. ft. (1 Conex Box)
Jefferson Yard (Jefferson Site)	6000 W. Jefferson Blvd., Los Angeles 90232	1,600 sq. ft. (2 Conex Boxes)
Lopez Canyon	11950 Lopez Canyon Rd. Sylmar, CA 91342	1,600 sq. ft. (2 Conex Boxes)

Two of the above-referenced facilities recently opened in 2020: The Lopez Canyon facility (June 2020) and Jefferson Yard (July 2020). In addition, in May 2020 the storage space at the Gaffey Yard was increased from one Conex box to three Conex boxes.

*The South LA Yard is only used as an overflow storage site for the Chrysalis Towne Location; LASAN Staff does not take material to this site.

Chrysalis, a third-party independent contractor that contracts with LAHSA (not Defendant) to provide involuntary and voluntary storage for homeless individuals operates the Bin, located at 507 Towne Avenue. The approximate size of the involuntary storage space available at the Bin is 2,000 square feet. When involuntary storage is available, LASAN delivers non-hazardous property to the storage facility that is nearest to the location of the cleanup and has capacity, completes a chain of custody form transferring custody of property at the storage facility to Chrysalis, and notifies Chrysalis of the delivery. Property stored in the facilities may be moved by Chrysalis to the Bin after the cleanup or Chrysalis may arrange to drop the property off to the individual a public area (by a restaurant or supermarket) closer to the cleanup area or the individual. The City does not track that information.

To the extent the City had in its possession chain of custody forms or other storage-related information, it has produced such documents and intends to produce any additional such documents if they are identified in its investigation or provided to the City by Chrysalis. See Bates Nos. CTY004841 (2019 Storage Data); CTY009268-CTY011938 (chain of custody forms); CTY0004843-CTY004850 (chain of custody forms); CTY019486-CTY019492 (chain of custody form noting locations); see also CTY004827 (Appendix A to Chrysalis Agreement, noting storage facilities and LASAN post-cleanup delivery locations); CTY004842 (Chrysalis Agreement, “UAP Container Location Information” noting storage locations and capacity); CTY016065-CTY016065 (January-June 2019 CSLA_HOPE_OHS Metrics & Totals); CTY015150-CTY015157 (Chrysalis Unattended Property Regional Storage Overview); CTY019488-CTY019488 (Unattended Property, Involuntary Storage Bin Policy); CTY019492-CTY019492 (2018 Unattended Property Metrics). Defendant refers Plaintiff to these documents for further response. F.R.Civ.P. 33(d)(1); *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983). Defendant does not intend to withhold any storage-related documents it identifies during its investigation.

INTERROGATORY NO. 5.

IDENTIFY every City employee assigned to the HOPE team, as that term is defined by the Los Angeles Police Department or LA Sanitation in conjunction with homeless outreach and engagement and ENCAMPMENT CLEANUPS, from January 1, 2018 to the present and provide 1) their name; 2) job title; 3) division and department to which they were assigned; 4) to which HOPE team they were assigned; and 5) dates assigned to the detail(s).

RESPONSE TO INTERROGATORY NO. 5:

Defendant incorporates the General Objections as though fully set forth here.

1 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff
2 Zamora's specific claims alleged in the SAC for incidents occurring on or around March
3 21, 2019 at 6th Street and Ardmere and on or around June 11, 2019 at 5th Street and
4 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).
5 Defendant objects that the interrogatory is overbroad to the extent that it seeks
6 information relating to any individual plaintiff other than Plaintiff Zamora and
7 information dating back to January 1, 2018. *Unilin Beheer B.V. v. NSL Trading Corp.*,
8 No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27,
9 2015). Defendant objects that the interrogatory is not proportional to the needs of the
10 case, insofar as the burden or expense of searching for and producing information dating
11 back to 2018 outweighs the benefit of such discovery to Plaintiff Zamora's specific claims
12 alleged in the SAC. For the period January 1, 2018 to July 31, 2020 alone, Defendant
13 has identified 32,730 incidents within WPIMS constituting "encampment cleanups";
14 Plaintiffs' incidents represent only a small subgroup of those cleanups and all relevant
15 information related to those cleanups has been produced and intends to produce any
16 supplementary documents it locates in its investigation. *See IBP, Inc. v. Mercantile Bank*,
17 179 F.R.D. 316, 321 (D. Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-
18 WQH (WVG), 2011 U.S. Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). In order
19 to respond to this interrogatory, Defendant would need to manually collect, analyze and
20 summarize the Watershed reports associated with those cleanups, as well as personnel
21 records, thus requiring Defendant to make a compilation, abstract, audit or summary of
22 its records and such compilation, abstract, audit or summary does not exist. *Hoffman v.*
23 *Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS
24 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case
25 No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).
26 Defendant objects that the interrogatory contains subparts seeking information on distinct
27
28

1 subjects and these subparts constitute separate interrogatories against Plaintiff's limit of
2 25. F.R.Civ.P. 33(a); *Collaboration Props. v. Polycorn, Inc.*, 224 F.R.D. 473,475 (N.D.
3 Cal. 2004). Defendant further objects that the term "detail(s)" is vague and ambiguous
4 and Defendant interprets it to mean the location of the cleanup in which any given
5 employee participated. Defendant also objects that the term "homeless outreach and
6 engagement" is vague, ambiguous and overbroad to the extent the term is meant to
7 encompass activities other than those associated with cleanup operations.

8 Subject to and without waiving these objections, Defendant responds as follows:
9 Defendant has produced documents that contain information responsive to this request
10 and refers Plaintiff to these documents for further response. F.R.Civ.P. 33(d)(1);
11 *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.
12 1983). More specifically: Defendant produced an organization chart that identifies
13 HOPE members in 2019 at CTY004393 and will include the 2020 version of that chart in
14 its next production; both charts are attached as Exhibit B hereto. See also Bates Nos.
15 CTY019503-CTY019503 (UHRC Organizational chart). Concurrently served with these
16 Amended Responses is an Excel spreadsheet that reflects the trainings of LSD employees
17 that are maintained by the Industrial Safety and Compliance Division ("ISCD"), which
18 reflects the names and titles of LSD employees and relevant dates. This spreadsheet will
19 be included in the City's next production. In addition, ECIs involved in cleanups 2018-
20 2020 are typically listed in column E ("First Responder") and column F ("Second
21 Responder") in the WPIMS database export produced at Bates Nos. CTY020222 and
22 CTY020331. Defendant also has produced Watershed Protection Division reports
23 associated with the incidents alleged in the complaint, which typically identify the names
24 of ECIs involved in those cleanups. See Bates Nos. CTY000001- CTY002369;
25 CTY003240-CTY004085.
26

27 With respect to incidents alleged by Plaintiff Zamora on March 21, 2019 and
28

1 June 11, 2019:

2 Encampment cleanup operations conducted on March 21, 2019 are identified in
3 the WPIMS database (CTY20222) and can be found on the WPIMS excel file starting at
4 row 5672, Case ID No. 53125, and ending at row 5718, Case ID No. 53162. The City
5 produced the incident report and related documents for Zamora's alleged incident on
6 March 21, 2019 (CTY000079-167), identified as Case ID No. 53162 for a Rapid
7 Response incident occurring at 6th Street and Kingsley. Individuals involved in this
8 incident included ECI M. Tran, P. Pedrosa, J. Saucedo, and J. Gamez. The City produced
9 LAPD incident-specific documents for March 21, 2019 (CTY002423-2447). LAPD
10 Officers I. Lucero and C. Argueta were present at 6th Street and Kingsley (CTY002443).

11 Encampment cleanups conducted on June 11, 2019 are identified in the WPIMS
12 database (CTY20222) and can be found on the WPIMS excel file starting at row 8010,
13 Case ID No. 56909, and ending at row 8066, Case ID No. 56981. The City produced
14 reports for incidents occurring on June 11, 2019: CTY000168-325, Case ID NO. 56806;
15 CTY00326-351, Case ID No. 56909; CTY00352-408, Case ID No. 56974; and
16 CTY000435-459, Case ID No. 56976. The City has produced a report for Case ID No.
17 53162 occurring on June 11, 2019 at Harvard and 5th Street. (CTY020332 -
18 CTY020441). Individuals involved in this incident included ECI P. Pedrosa and T.
19 Kuruvilla. The City produced LAPD incident-specific documents for June 11, 2019
20 incidents (CTY002465-2496). LAPD Officers I. Lucero and L. Bermudez were present
21 at a rapid response conducted at this same time on June 11, 2019 at 3rd and Harvard
22 (CTY002495).

23
24 Also, the following is a list of Environmental Compliance Inspectors active in
25 Livability Services Division as of October 28, 2020:

- 26 1) Anderson, Demetress Washington ECI
27 2) Anguiano, Berenice Cazador ECI
28

- 3) Arevalo, Samantha DC Tillman ECI
- 4) Arvayo, Sergio Washington ECI
- 5) Arzoumanian, Arek Dct ECI
- 6) Avendano, Ashley DC Tillman ECI
- 7) Awujo, Felix (Awugo In Sdoa) Washington ECI
- 8) Bartz, Jaqueline Harbor ECI
- 9) Bates, Matthew Harbor ECI
- 10) Beattie, Romy DC Tillman ECI
- 11) Calleros, Shayla Washington ECI
- 12) Camacho, Rachel East Valley ECI
- 13) Campos, Gilberto DC Tillman ECI
- 14) Cardenas, Daniela Cazador ECI
- 15) Chebatoris, Karen Washington ECI
- 16) Cruz, Stephany Washington ECI
- 17) Damron, Andrew DC Tillman ECI
- 18) Dancel, Bernard Cazador ECI
- 19) Dangelo, Dana East Valley ECI
- 20) Escorcia, Daniel Washington ECI
- 21) Ferreira, Edward DC Tillman ECI
- 22) Flores, Aaron DC Tillman ECI
- 23) Gamez, Jesus Washington ECI
- 24) Gharios, Brandon Washington ECI
- 25) Gonzalez, Franklin Washington ECI
- 26) Gonzalez, Sara N Washington ECI
- 27) Hernandez, Daniel E DC Tillman ECI
- 28) Hu, Yuan-Chien DC Tillman ECI

- 1 29) Kim, Jay J DC Tillman ECI
- 2 30) Kuruvilla, Tim East Valley ECI
- 3 31) Landeros, Amber East Valley ECI
- 4 32) Lara, Jessie East Valley ECI
- 5 33) Martinez, Karina DC Tillman ECI
- 6 34) Milo, Austin Harbor ECI
- 7 35) Mireles, Alyssa Cazador ECI
- 8 36) Nguyen, Alexander Cazador ECI
- 9 37) Okolue, Benjamine DC Tillman ECI
- 10 38) Pearlman, Daniel Harbor ECI
- 11 39) Pedrosa, Philip Cazador ECI
- 12 40) Powell, Diana Harbor ECI
- 13 41) Quiroz, Kioga Washington ECI
- 14 42) Rivas, Roberto DC Tillman ECI
- 15 43) Rodriguez, Alan Washington ECI
- 16 44) Salvacion, Teodoro Washington ECI
- 17 45) San Miguel, Jesse DC Tillman ECI
- 18 46) Sanchez, Jesus R Washington ECI
- 19 47) Saucedo, Jazmine DC Tillman ECI
- 20 48) Shrestha, Sudha Washington ECI
- 21 49) Speight, Earl Washington ECI
- 22 50) Spencer, Karen Washington ECI
- 23 51) Tran, Michael Harbor ECI
- 24 52) Truong, Daniel Washington ECI
- 25 53) Valencia Eduardo DC Tillman ECI
- 26 54) Villareal, John DC Tillman ECI
- 27
- 28

1 55) Williams, Brandi DC Tillman ECI

2 56) Wooten, Jordan Washington ECI

3 57) Zhang, Andy Washington ECI

4
5 **INTERROGATORY NO. 6.**

6 IDENTIFY each and every ENCAMPMENT CLEANUP that was conducted on
7 June 11, 2019 by the CITY, including by providing the type of ENCAMPMENT
8 CLEANUP (CLSA, Rapid Response, etc.), the location of the ENCAMPMENT
9 CLEANUP, the team or detail(s) that participated in the ENCAMPMENT CLEANUP,
10 and the start time and end time of the ENCAMPMENT CLEANUP.
11

12
13 **RESPONSE TO INTERROGATORY NO. 6:**

14 Defendant incorporates the General Objections as though fully set forth here.
15 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff
16 Zamora's specific claims alleged in the SAC for incidents occurring on or around March
17 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and
18 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).
19 Defendant objects that the interrogatory is overbroad to the extent that it seeks
20 information relating to any individual plaintiff other than Plaintiff Zamora. *Unilin Beheer*
21 *B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143,
22 *14 (C.D. Cal. Feb. 27, 2015). In particular, Defendant objects that in order to respond
23 to this interrogatory, Defendant would need to manually collect, analyze and summarize
24 the reports associated with those cleanups, as well as personnel records, requiring
25 Defendant to make a compilation, abstract, audit or summary of its records and such
26 compilation, abstract, audit or summary does not exist. *Hoffman v. Cnty. of Los Angeles*,
27 Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal.
28

Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

Subject to and without waiving these objections, Defendant responds as follows: Defendant has produced electronically exportable information for 2018-2020 from the AMS database (CTY020221; CTY020330) the MyLA-311 database (CTY020223) and the WPIMS database. (CTY020222; CTY020331). Defendant refers Plaintiff to these documents for further response. F.R.Civ.P. 33(d)(1); *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983). The authorization numbers and service request numbers associated with a particular cleanup in AMS can be cross-referenced with the same number in MyLA311, which provides additional information about the cleanup as well as other information related to service requests, which may or may not have resulted in a cleanup. WPIMS lists the names of first and second responders for each cleanup. In the “Reason Code” column in the MyLA311 database, code 75 and code 55 are generally used to denote smaller and larger encampments, respectively, which may influence whether a CARE or CARE+ team responds.

Encampment cleanup operations conducted on June 11, 2019 are identified in the WPIMS database (CTY20222) and can be found on the WPIMS excel file starting at row 8010, Case ID No. 56909, and ending at row 8066, Case ID No. 56981.

In addition, the City produced reports for incidents occurring on June 11, 2019: CTY000168-325, Case ID NO. 56806; CTY00326-351, Case ID No. 56909; CTY00352-408, Case ID No. 56974; and CTY000435-459, Case ID No. 56976. The City has produced a report for Case ID No. 53162 occurring on June 11, 2019 at Harvard and 5th Street. (CTY020332 - CTY020441). Individuals involved in this incident included ECI P. Pedrosa and T. Kuruvilla. The rapid response commenced at approximately at 9:00 a.m. and concluded at approximately 10:30 a.m. The City produced LAPD incident-specific documents for June 11, 2019 incidents (CTY002465-2496). LAPD Officers I.

Lucero and L. Bermudez were present at a rapid response conducted at this same time on June 11, 2019 at 3rd and Harvard (CTY002495).

Encampments cleanups conducted on June 11, 2019 (CTY20222) in Council Districts 4 and 10 included the following comprehensive posted cleanups (CSLA) and rapid responses:

Council District 4: Rapid Response; Lead ECI M. Tran; Second ECI J. Kim

Case ID No.	Address
56931	Los Feliz to Zoo Drive

Council District 10: Posted Comprehensive Cleanup (CSLA); ECI E. Ferreira, CH Villareal

Case ID No.	Address
56803	2350 Washington and Cimarron St.
56806	3325 W Wilshire Blvd and Catalina St.
56814	8592 Venice and Melvin St.
56812	3450 W Wilshire Blvd
56808	3300 W Country Club
56815	Alameda Street
56804	3146 Country Club Drive
56805	3250 W San Marino St.

56807	4250 W. 4th St
56809	3933 W Wilshire Blvd
56813	8620 Beverlywood St

Council District 10: Rapid Response, Lead ECI M. Bates; ECI D. Truong

Case ID No.	Address
56905	La Brea and Obama
56947	Rodeo Place and Crenshaw
56951	Exposition and Flower
56971	4220 Montclair Street and 28th St
56972	Hoover and 10 Freeway

Council District 10: Rapid Response; Lead: ECI B. Dancel; ECI E. Estrada

Case ID No.	Address
56967	Washington and Manhattan
56906	Pico and Saint Andrews
56973	10th and Wilton Place
56974	Gramercy and Olympic
56976	Normandie and San Marino St

Council District 10: Rapid Response; Lead: ECI P. Pedrosa; ECI T. Kuruvilla

Case ID No.	Address
56916	3rd and Oxford Avenue
56920	Harvard and 5th St
56983	8th and Hobart Blvd
56984	Vermont and 4th St

No posting operations (posting surveys) were conducted on June 11, 2019 in Council District 4 or Council District 10.

INTERROGATORY NO. 7.

IDENTIFY all individuals employed by or contracted with the CITY who participated in ENCAMPMENT CLEANUPS on June 11, 2019 in Council Districts 4 and 10, including by providing the location of each ENCAMPMENT CLEANUP that the individual participated in on that date.

RESPONSE TO INTERROGATORY NO. 7:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff Zamora's specific claims alleged in the SAC for incidents occurring on or around March 21, 2019 at 6th Street and Ardmere and on or around June 11, 2019 at 5th Street and Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016). Defendant objects that the interrogatory is overbroad to the extent that it seeks information relating to any individual plaintiff other than Plaintiff Zamora. *Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143,

1 *14 (C.D. Cal. Feb. 27, 2015). In particular, Defendant objects that in order to respond
2 to this interrogatory, Defendant would need to manually collect, analyze and summarize
3 the reports associated with those cleanups, as well as personnel records, requiring
4 Defendant to make a compilation, abstract, audit or summary of its records and such
5 compilation, abstract, audit or summary does not exist. *Hoffman v. Cnty. of Los Angeles*,
6 Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal.
7 Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ,
8 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

9 Subject to and without waiving these objections, Defendant responds as follows:
10 The authorization numbers and service request numbers associated with a particular
11 cleanup in AMS can be cross-referenced with the same number in MyLA-311, which
12 provides additional information about the cleanup as well as other information related to
13 service calls, which may or may not have resulted in a cleanup. WPIMS lists the names
14 of first and second responders for each cleanup. In the “Reason Code” column in the
15 MyLA-311 database, code 75 and code 55 are generally used to denote smaller and larger
16 encampments, respectively, which may influence whether a CARE or CARE+ team
17 responds. All three databases include a “Council District” column containing information
18 about the Council District associated with each cleanup and/or service request.

19
20 Encampment cleanup operations conducted on June 11, 2019 are identified in the
21 WPIMS database (CTY20222) and can be found on the WPIMS excel file starting at row
22 8010, Case ID No. 56909, and ending at row 8066, Case ID No. 56981.

23 In addition, the City produced reports for incidents occurring on June 11, 2019:
24 CTY000168-325, Case ID NO. 56806; CTY00326-351, Case ID No. 56909; CTY00352-
25 408, Case ID No. 56974; and CTY000435-459, Case ID No. 56976. The City has
26 produced a report for Case ID No. 53162 occurring on June 11, 2019 at Harvard and 5th
27 Street. (CTY020332 - CTY020441). Individuals involved in this incident included ECI
28

P. Pedrosa and T. Kuruvilla. The rapid response commenced at approximately at 9:00 a.m. and concluded at approximately 10:30 a.m. The City produced LAPD incident-specific documents for June 11, 2019 incidents (CTY002465-2496). LAPD Officers I. Lucero and L. Bermudez were present at a rapid response conducted at this same time on June 11, 2019 at 3rd and Harvard (CTY002495).

Encampments cleanups conducted on June 11, 2019 (CTY20222) in Council Districts 4 and 10 included the following comprehensive posted cleanups (CSLA) and rapid responses:

Council District 4: Rapid Response; Lead ECI M. Tran; Second ECI J. Kim

Case ID No.	Address
56931	Los Feliz to Zoo Drive

Council District 10: Posted Comprehensive Cleanup (CSLA); ECI E. Ferreira, CH Villareal

Case ID No.	Address
56803	2350 Washington and Cimarron St.
56806	3325 W Wilshire Blvd and Catalina St.
56814	8592 Venice and Melvin St.
56812	3450 W Wilshire Blvd
56808	3300 W Country Club
56815	Alameda Street

56804	3146 Country Club Drive
56805	3250 W San Marino St.
56807	4250 W. 4th St
56809	3933 W Wilshire Blvd
56813	8620 Beverlywood St

Council District 10: Rapid Response, Lead ECI M. Bates; ECI D. Truong

Case ID No.	Address
56905	La Brea and Obama
56947	Rodeo Place and Crenshaw
56951	Exposition and Flower
56971	4220 Montclair Street and 28th St
56972	Hoover and 10 Freeway

Council District 10: Rapid Response; Lead: ECI B. Dancel; ECI E. Estrada

Case ID No.	Address
56967	Washington and Manhattan
56906	Pico and Saint Andrews
56973	10th and Wilton Place
56974	Gramercy and Olympic

56976	Normandie and San Marino St
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Council District 10: Rapid Response; Lead: ECI P. Pedrosa; ECI T. Kuruvilla

Case ID No.	Address
56916	3rd and Oxford Avenue
56920	Harvard and 5th St
56983	8th and Hobart Blvd
56984	Vermont and 4th St

No posting operations (posting surveys) were conducted on June 11, 2019 in Council District 4 or Council District 10.

INTERROGATORY NO. 8.

IDENTIFY each and every ENCAMPMENT CLEANUP that was conducted on March 21, 2019 by the CITY, including by providing the type of ENCAMPMENT CLEANUP (CLSA, Rapid Response, etc.), the location of the ENCAMPMENT CLEANUP, the team or detail(s) that participated in the ENCAMPMENT CLEANUP, and the start time and end time of the ENCAMPMENT CLEANUP.

RESPONSE TO INTERROGATORY NO. 8:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff Zamora's specific claims alleged in the SAC for incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).

Defendant objects that the interrogatory is overbroad to the extent that it seeks information relating to any individual plaintiff other than Plaintiff Zamora. *Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015). In particular, Defendant objects that in order to respond to this interrogatory, Defendant would need to manually collect, analyze and summarize the reports associated with those cleanups, as well as personnel records, requiring Defendant to make a compilation, abstract, audit or summary of its records and such compilation, abstract, audit or summary does not exist. *Hoffman v. Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

Subject to and without waiving these objections, Defendant responds as follows: Defendant has produced electronically exportable information for 2018-2020 from the AMS database (CTY020221; CTY020330) the MyLA-311 database (CTY020223) and the WPIMS database. (CTY020222; CTY020331). F.R.Civ.P. 33(d)(1); *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983). The authorization numbers and service request numbers associated with a particular cleanup in AMS can be cross-referenced with the same number in MyLA311, which provides additional information about the cleanup as well as other information related to service requests, which may or may not have resulted in a cleanup. WPIMS lists the names of first and second responders for each cleanup. In the “Reason Code” column in the MyLA311 database, code 75 and code 55 are generally used to denote smaller and larger encampments, respectively, which may influence whether a CARE or CARE+ team responds.

Encampment cleanup operations conducted on March 21, 2019 are identified in the WPIMS database (CTY20222) and can be found on the WPIMS excel file starting at

row 5672, Case ID No. 53125, and ending at row 5718, Case ID No. 53162.

In addition, the City produced the incident report and related documents for Zamora's alleged incident on March 21, 2019 (CTY000079-167), identified as Case ID No. 53162 for a Rapid Response incident occurring at 6th Street and Kingsley. Individuals involved in this incident included ECI M. Tran, P. Pedrosa, J. Saucedo, and J. Gamez. The rapid response commenced at approximately 10:38 a.m. and concluded at approximately 11:34 a.m. The City produced LAPD incident-specific documents for March 21, 2019 (CTY002423-2447). LAPD Officers I. Lucero and C. Argueta were present at 6th Street and Kingsley (CTY002443).

Encampments cleanups conducted on March 21, 2019 (CTY20222) in Council Districts 4, 9, and 10 included the following comprehensive posted cleanups (CSLA) and rapid responses:

Council District 4: Comprehensive Posted Cleanups (CSLA): Lead ECI D. Pearlman, and Second ECIs A. Mireles, ECI S. Calleros and CH S. Camacho:

Case ID No.	Address
53037	1425 N Sierra Bonita Ave
53038	1427 N La Brea Avenue
53039	7140 Sunset Blvd
53040	7408 W. Sunset Blvd
53041	7720 W. Sunset Blvd
53042	7022 Sunset Blvd

53043	4503 W. Hollywood Blvd
53044	1561 N. Lyman Place

Council District 4: Rapid Response, Lead: ECI G. Lara; Second ECIs B. Dancel, S. Cruz, and T. Kuruvilla.

Case ID No.	Address
53172	10th and Wilton
53173	3rd and Western

Council District 9: Comprehensive Posted Cleanups (CSLA): Lead ECI A. Abrahamian; Second ECIs D. D'Angelo, J. Kim, Clean Harbors L. Sanchez

Case ID No.	Address
52959	5725 S San Pedro
52961	416 W 52nd Street
52960	52nd Place
52962	52nd Place
52958	353 W48th Street
52956	295 E 48th Street
52957	317 W45th Street

52963	334 W 54th Street
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Council District 10: Rapid Response; Lead ECI M. Tran; Second ECIs P. Pedrosa, J. Saucedo, J. Gamez

Case ID No.	Address
53158	3rd and Western
53159	Duplicate of Case ID 53158 (extra case number generated)
53160	6th and Manhattan
53161	Duplicate of Case ID 53160 (extra case number generated)
53162	6th and Kingsley Drive
53163	Duplicate of Case ID 53162 (extra case number generated)

No posting operations (posting surveys) were conducted on March 21, 2019 in Council District 4, Council District 9 or Council District 10.

INTERROGATORY NO. 9.

IDENTIFY all individuals employed by or contracted with the CITY who participated in ENCAMPMENT CLEANUPS on March 21, 2019 in Council Districts 4, 9, and 10, including by providing the location of each ENCAMPMENT CLEANUP that the individual participated in on that date.

RESPONSE TO INTERROGATORY NO. 9:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff

1 Zamora's specific claims alleged in the SAC for incidents occurring on or around March
2 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and
3 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).
4 Defendant objects that the interrogatory is overbroad to the extent that it seeks
5 information relating to any individual plaintiff other than Plaintiff Zamora. *Unilin Beheer*
6 *B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143,
7 *14 (C.D. Cal. Feb. 27, 2015). In particular, Defendant objects that in order to respond
8 to this interrogatory, Defendant would need to manually collect, analyze and summarize
9 the reports associated with those cleanups, as well as personnel records, requiring
10 Defendant to make a compilation, abstract, audit or summary of its records and such
11 compilation, abstract, audit or summary does not exist. *Hoffman v. Cnty. of Los Angeles*,
12 Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal.
13 Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ,
14 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).

15 Subject to and without waiving these objections, Defendant responds as follows:
16 The authorization numbers and service request numbers associated with a particular
17 cleanup in AMS can be cross-referenced with the same number in MyLA-311, which
18 provides additional information about the cleanup as well as other information related to
19 service calls, which may or may not have resulted in a cleanup. WPIMS lists the names
20 of first and second responders for each cleanup. In the "Reason Code" column in the
21 MyLA-311 database, code 75 and code 55 are generally used to denote smaller and larger
22 encampments, respectively, which may influence whether a CARE or CARE+ team
23 responds. All three databases include a "Council District" column containing information
24 about the Council District associated with each cleanup and/or service request.
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Encampment cleanup operations conducted on March 21, 2019 are identified in the WPIMS database (CTY20222) and can be found on the WPIMS excel file starting at row 5672, Case ID No. 53125, and ending at row 5718, Case ID No. 53162.

In addition, the City produced the incident report and related documents for Zamora's alleged incident on March 21, 2019 (CTY000079-167), identified as Case ID No. 53162 for a Rapid Response incident occurring at 6th Street and Kingsley. Individuals involved in this incident included ECI M. Tran, P. Pedrosa, J. Saucedo, and J. Gamez. The rapid response commenced at approximately 10:38 a.m. and concluded at approximately 11:34 a.m. The City produced LAPD incident-specific documents for March 21, 2019 (CTY002423-2447). LAPD Officers I. Lucero and C. Argueta were present at 6th Street and Kingsley (CTY002443).

Encampments cleanups conducted on March 21, 2019 (CTY20222) in Council Districts 4, 9, and 10 included the following comprehensive posted cleanups (CSLA) and rapid responses:

Council District 4: Comprehensive Posted Cleanups (CSLA): Lead ECI D. Pearlman, and Second ECIs A. Mireles, ECI S. Calleros and CH S. Camacho:

Case ID No.	Address
53037	1425 N Sierra Bonita Ave
53038	1427 N La Brea Avenue
53039	7140 Sunset Blvd
53040	7408 W. Sunset Blvd
53041	7720 W. Sunset Blvd

53042	7022 Sunset Blvd
53043	4503 W. Hollywood Blvd
53044	1561 N. Lyman Place

Council District 4: Rapid Response, Lead: ECI G. Lara; Second ECIs B. Dancel, S. Cruz, and T. Kuruvilla.

Case ID No.	Address
53172	10th and Wilton
53173	3rd and Western

Council District 9: Comprehensive Posted Cleanups (CSLA): Lead ECI A. Abrahamian; Second ECIs D. D'Angelo, J. Kim, Clean Harbors L. Sanchez

Case ID No.	Address
52959	5725 S San Pedro
52961	416 W 52nd Street
52960	52nd Place
52962	52nd Place
52958	353 W48th Street
52956	295 E 48th Street

52957	317 W45th Street
52963	334 W 54th Street

Council District 10: Rapid Response; Lead ECI M. Tran; Second ECIs P. Pedrosa, J. Saucedo, J. Gamez

Case ID No.	Address
53158	3rd and Western
53159	Duplicate of Case ID 53158 (extra case number generated)
53160	6th and Manhattan
53161	Duplicate of Case ID 53160 (extra case number generated)
53162	6th and Kingsley Drive
53163	Duplicate of Case ID 53162 (extra case number generated)

No posting operations (posting surveys) were conducted on March 21, 2019 in Council District 4, Council District 9 or Council District 10.

INTERROGATORY NO. 10.

IDENTIFY each and every individual working in the City Council offices for Council Districts 4, 6, 9, 10, 13 and 15 who have been assigned to or are responsible for working with LA Sanitation and/or LAPD to schedule the deployment of LA Sanitation or other city resources to conduct ENCAMPMENT CLEANUPS, at any time since July 1, 2018.

RESPONSE TO INTERROGATORY NO. 10:

1 Defendant incorporates the General Objections as though fully set forth here.
2 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff
3 Zamora's specific claims alleged in the SAC for incidents occurring on or around March
4 21, 2019 at 6th Street and Ardmere and on or around June 11, 2019 at 5th Street and
5 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).
6 Defendant objects that the interrogatory is overbroad to the extent that it seeks
7 information relating to any individual plaintiff other than Plaintiff Zamora and
8 information dating back to July 1, 2018. *Unilin Beheer B.V. v. NSL Trading Corp.*, No.
9 CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015);
10 *see also Rivera v. Nibco, Inc.*, 364 F.3d 1057, 1072 (9th Cir. 2004) ("District courts need
11 not condone the use of discovery to engage in fishing expeditions.").

12 Defendant objects that the interrogatory is not proportional to the needs of the
13 case, insofar as the burden or expense of searching for and producing information dating
14 back to July 1, 2018 outweighs the benefit of any such discovery to Plaintiff Zamora's
15 specific claims alleged in the SAC. *See IBP, Inc. v. Mercantile Bank*, 179 F.R.D. 316,
16 321 (D. Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG),
17 2011 U.S. Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). Defendant does not
18 dispute that it promulgated LAMC 56.11 and enforced it in the relevant time period. *See*
19 *Thompson v. City of Los Angeles*, 885 F.2d 1439, 1444 (9th Cir. 1989) ("A rule or
20 regulation promulgated, adopted, or ratified by a local governmental entity's legislative
21 body unquestionably satisfies Monell's policy requirements."), *overruled on other*
22 *grounds by Bull v. City & Cty. of San Francisco*, 595 F.3d 964 (9th Cir. 2010). Defendant
23 objects that the interrogatory contains subparts seeking information on distinct subjects
24 and these subparts constitute separate interrogatories against Plaintiff's limit of 25.
25 F.R.Civ.P. 33(a); *Collaboration Props. v. Polycorn, Inc.*, 224 F.R.D. 473,475 (N.D. Cal.
26 2004).
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Defendant further objects that Councilmember Ryu (formerly Councilmember for CD 4) left office in November 2020 and Councilmember Wesson (formerly Councilmember for CD 10) left office in December 2020 and the staff in the council districts has changed significantly as a result of the departures, which increases the burden of investigating historical information in response to this interrogatory. Defendant further objects that this interrogatory requires Defendant to make a compilation, abstract, audit or summary of its records and such compilation, abstract, audit or summary does not exist. *Hoffman v. Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016). Defendant objects to any further response to this interrogatory, but will meet and confer with Plaintiff regarding the relevance, if any, to Plaintiff Zamora's specific alleged claims and proportionality of the interrogatory under Rule 26(b). Without waiving any, and based on these objections, Defendant objects to any further response to this interrogatory, but will meet and confer with Plaintiff regarding the relevance, if any, to Plaintiff Zamora's specific alleged claims and proportionality of the interrogatory under Rule 26(b).

Subject to and without waiving these objections, Defendant responds as follows: Individuals working for Council Districts 4, 6, 9, 10, 13 and 15 who typically communicate with LASAN regarding homeless encampment cleanups, or who communicated with LASAN regarding homeless encampment cleanups in the past, are listed below:

Council District 4:

- Alice Roth, Field Deputy (2/2017-5/2019)
- Nikki Ezhari, Field Deputy (2/2017-5/2019)
- Catherine Landers, Field Deputy (2/2017-5/2019)

- Shannon Prior, Field Deputy (2/2017-5/2019)
- Brad Fingard, Field Deputy (8/1/2019 - 6/2020)
- Elizabeth Oh, Homeless Coordinator (1/2021 to present)

Council District 6:

- Marcos Sanchez, District Director (7/1/2018 to present)
- Lorena Bernal, Field Deputy (7/1/2018 to present)

Council District 9:

- James Westbrooks, Deputy Chief of Staff & Director of District Operations (7/1/2018 to present)
- Nora Gutierrez, Senior Field Deputy (7/1/2018 to present)

Council District 10:

- Cairo Rodriguez, Deputy (7/1/2018 to 12/12/20)
- Jamie Hwang, Deputy (7/1/2018 to 12/12/20)
- Elizabeth Carlin, Deputy (7/1/2018 to 12/12/20)
- Billie Green, Deputy (7/1/2018 to 12/12/20)
- Albert Lord, Deputy (7/1/2018 to 12/12/20)
- Kimani Black, Assistant District Director (7/1/2018 to 12/12/20)
- Dhakshike Wickrema, Senior Director for Mental Health and Homeless Advocacy (1/2021 to present)
- Mayra Guevara, Staff Assistant (1/2021 to present)
- Kimani Black, Senior Deputy for Constituent Services (1/2021 to present)
- Mary Jones, Deputy for Constituent Services (1/2021 to present)

1 Council District 13:

- 2 • Hector Vega, Field Deputy (7/1/2018 to present)

4 Council District 15:

- 5 • Caitlin Muldoon, Field Deputy (7/1/2018 to present)
- 6 • Isabella Blue, Constituent Services Deputy (7/1/2018 to present)
- 7 • Gabriela Medina, District Director (7/1/2018 to present)

10 **INTERROGATORY NO. 11.**

11 IDENTIFY each and every individual employed by the CITY as an Environmental

12 Compliance Inspector (or officer), including Chief Environmental Compliance

13 Inspector(s) and Assistant Environmental Compliance Inspector, who has participated in

14 ENCAMPMENT CLEANUPS since January 1, 2018, including the dates they held those

15 positions.

16 **RESPONSE TO INTERROGATORY NO. 11:**

17 Defendant incorporates the General Objections as though fully set forth here.

18 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff

19 Zamora's specific claims alleged in the SAC for incidents occurring on or around March

20 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and

21 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).

22 Defendant objects that the interrogatory is overbroad to the extent that it seeks

23 information relating to any individual plaintiff other than Plaintiff Zamora and

24 information dating back to January 1, 2018. *Unilin Beheer B.V. v. NSL Trading Corp.*,

25 No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27,

26 2015). Defendant objects that the interrogatory is not proportional to the needs of the

27 case, insofar as the burden or expense of searching for and producing information dating

28

1 back to 2018 outweighs the benefit of such discovery to Plaintiff Zamora's specific claims
2 alleged in the SAC. For the period January 1, 2018 to July 31, 2020 alone, Defendant
3 has identified 32,730 incidents within WPIMS constituting "encampment cleanups";
4 Plaintiffs' incidents represent only a small subgroup of those cleanups and all relevant
5 information related to those cleanups has been produced and intends to produce any
6 supplementary documents it locates in its investigation. *See IBP, Inc. v. Mercantile Bank*,
7 179 F.R.D. 316, 321 (D. Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-
8 WQH (WVG), 2011 U.S. Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). In order
9 to respond to this interrogatory, Defendant would need to manually collect, analyze and
10 summarize the Watershed reports associated with those cleanups, as well as personnel
11 records, thus requiring Defendant to make a compilation, abstract, audit or summary of
12 its records and such compilation, abstract, audit or summary does not exist. *Hoffman v.*
13 *Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS
14 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case
15 No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).
16 Defendant objects that the interrogatory contains subparts seeking information on distinct
17 subjects and these subparts constitute separate interrogatories against Plaintiff's limit of
18 25. F.R.Civ.P. 33(a); *Collaboration Props. v. Polycorn, Inc.*, 224 F.R.D. 473,475 (N.D.
19 Cal. 2004).

20
21 Subject to and without waiving these objections, Defendant responds as follows:
22 Defendant has produced documents that contain information responsive to this request
23 and refers Plaintiff to these documents for further response. F.R.Civ.P. 33(d)(1);
24 *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.
25 1983). More specifically: ECIs involved in cleanups 2018-2020 are listed in column E
26 ("First Responder") and column F ("Second Responder") in the WPIMS database export
27 produced at Bates Nos. CTY020222 and CTY020331. Defendant also has produced
28

1 Watershed Protection Division reports associated with the incidents alleged in the
2 complaint, which typically identify the names of ECIs involved in those cleanups. *See*
3 Bates Nos. CTY000001- CTY002369; CTY003240-CTY004085. Concurrently served
4 with these Amended Responses is an Excel spreadsheet that reflects the trainings of LSD
5 employees that are maintained by the Industrial Safety and Compliance Division
6 (“ISCD”), which reflects the names and titles of LSD employees and relevant dates. This
7 spreadsheet will be included in the City’s next production.

8 With respect to incidents alleged by Plaintiff Zamora on March 21, 2019 and
9 June 11, 2019:

10 Encampment cleanup operations conducted on March 21, 2019 are identified in
11 the WPIMS database (CTY20222) and can be found on the WPIMS excel file starting at
12 row 5672, Case ID No. 53125, and ending at row 5718, Case ID No. 53162. The City
13 produced the incident report and related documents for Zamora’s alleged incident on
14 March 21, 2019 (CTY000079-167), identified as Case ID No. 53162 for a Rapid
15 Response incident occurring at 6th Street and Kingsley. Individuals involved in this
16 incident included ECI M. Tran, P. Pedrosa, J. Saucedo, and J. Gamez.

17 Encampment cleanups conducted on June 11, 2019 are identified in the WPIMS
18 database (CTY20222) and can be found on the WPIMS excel file starting at row 8010,
19 Case ID No. 56909, and ending at row 8066, Case ID No. 56981. The City produced
20 reports for incidents occurring on June 11, 2019: CTY000168-325, Case ID NO. 56806;
21 CTY00326-351, Case ID No. 56909; CTY00352-408, Case ID No. 56974; and
22 CTY000435-459, Case ID No. 56976. The City has produced a report for Case ID No.
23 53162 occurring on June 11, 2019 at Harvard and 5th Street. (CTY020332 -
24 CTY020441). Individuals involved in this incident included ECI P. Pedrosa and T.
25 Kuruvilla.
26

27 Also, the following is a list of Environmental Compliance Inspectors active in
28

1 Livability Services Division as of October 28, 2020:

- 2 1) Anderson, Demetress Washington ECI
- 3 2) Anguiano, Berenice Cazador ECI
- 4 3) Arevalo, Samantha DC Tillman ECI
- 5 4) Arvayo, Sergio Washington ECI
- 6 5) Arzoumanian, Arek Dct ECI
- 7 6) Avendano, Ashley DC Tillman ECI
- 8 7) Awujo, Felix (Awugo In Sdoa) Washington ECI
- 9 8) Bartz, Jaqueline Harbor ECI
- 10 9) Bates, Matthew Harbor ECI
- 11 10) Beattie, Romy DC Tillman ECI
- 12 11) Calleros, Shayla Washington ECI
- 13 12) Camacho, Rachel East Valley ECI
- 14 13) Campos, Gilberto DC Tillman ECI
- 15 14) Cardenas, Daniela Cazador ECI
- 16 15) Chebatoris, Karen Washington ECI
- 17 16) Cruz, Stephany Washington ECI
- 18 17) Damron, Andrew DC Tillman ECI
- 19 18) Dancel, Bernard Cazador ECI
- 20 19) Dangelo, Dana East Valley ECI
- 21 20) Escorcia, Daniel Washington ECI
- 22 21) Ferreira, Edward DC Tillman ECI
- 23 22) Flores, Aaron DC Tillman ECI
- 24 23) Gamez, Jesus Washington ECI
- 25 24) Gharios, Brandon Washington ECI
- 26 25) Gonzalez, Franklin Washington ECI
- 27
- 28

- 1 26) Gonzalez, Sara N Washington ECI
- 2 27) Hernandez, Daniel E DC Tillman ECI
- 3 28) Hu, Yuan-Chien DC Tillman ECI
- 4 29) Kim, Jay J DC Tillman ECI
- 5 30) Kuruvilla, Tim East Valley ECI
- 6 31) Landeros, Amber East Valley ECI
- 7 32) Lara, Jessie East Valley ECI
- 8 33) Marinez, Karina DC Tillman ECI
- 9 34) Milo, Austin Harbor ECI
- 10 35) Mireles, Alyssa Cazador ECI
- 11 36) Nguyen, Alexander Cazador ECI
- 12 37) Okolue, Benjamine DC Tillman ECI
- 13 38) Pearlman, Daniel Harbor ECI
- 14 39) Pedrosa, Philip Cazador ECI
- 15 40) Powell, Diana Harbor ECI
- 16 41) Quiroz, Kioga Washington ECI
- 17 42) Rivas, Roberto DC Tillman ECI
- 18 43) Rodriguez, Alan Washington ECI
- 19 44) Salvacion, Teodoro Washington ECI
- 20 45) San Miguel, Jesse DC Tillman ECI
- 21 46) Sanchez, Jesus R Washington ECI
- 22 47) Saucedo, Jazmine DC Tillman ECI
- 23 48) Shrestha, Sudha Washington ECI
- 24 49) Speight, Earl Washington ECI
- 25 50) Spencer, Karen Washington ECI
- 26 51) Tran, Michael Harbor ECI
- 27
- 28

- 1 52) Truong, Daniel Washington ECI
2 53) Valencia Eduardo DC Tillman ECI
3 54) Villareal, John DC Tillman ECI
4 55) Williams, Brandi DC Tillman ECI
5 56) Wooten, Jordan Washington ECI
6 57) Zhang, Andy Washington ECI
7

8 **INTERROGATORY NO. 12.**

9 For each discrete body-worn video produced by the City of Los Angeles on
10 October 8, 2020 in response to Plaintiffs' Request for Production of Documents, Set One,
11 IDENTIFY the footage and provide the badge number, rank and detail or assignment of
12 the individual officer who was wearing the body camera which recorded the footage.
13

14 **RESPONSE TO INTERROGATORY NO. 12:**

15 Defendant incorporates the General Objections as though fully set forth here.
16 Subject to and without waiving these objections, Defendant responds as follows: See
17 AMENDED Exhibit A hereto, which is a chart containing responsive information.
18

19 **INTERROGATORY NO. 13.**

20 IDENTIFY all databases or enterprise system used by the Livability Services
21 Division, Unified Homeless Response Center, LAPD or any other CITY department or
22 agency to compile data or to document any aspect of any ENCAMPMENT CLEANUPS,
23 including but not limited to the scheduling of ENCAMPMENT CLEANUPS, property
24 seized or discarded pursuant to ENCAMPMENT CLEANUPS, postings of notices related
25 to ENCAMPMENT CLEANUPS, by listing 1) the name of the database; 2) a brief
26 statement of the database's purpose; 3) a general description of the types of data that is
27 collected; 4) who is responsible for collecting data; 5) who is responsible for entering
28 data into the database or system; 6) how often data is collected.

RESPONSE TO INTERROGATORY NO. 13:

Defendant incorporates the General Objections as though fully set forth here. Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff Zamora's specific claims alleged in the SAC for incidents occurring on or around March 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016). Defendant objects that the interrogatory is overbroad to the extent that it seeks information relating to any individual plaintiff other than Plaintiff Zamora. *Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015). Defendant objects that the interrogatory is not proportional to the needs of the case, insofar as the burden or expense of searching for and producing information outweighs the benefit of such discovery to Plaintiff Zamora's specific claims alleged in the SAC. *See IBP, Inc. v. Mercantile Bank*, 179 F.R.D. 316, 321 (D. Kan. 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG), 2011 U.S. Dist. LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). Defendant does not dispute that it promulgated LAMC 56.11 and enforced it in the relevant time period. *See Thompson v. City of Los Angeles*, 885 F.2d 1439, 1444 (9th Cir. 1989) ("A rule or regulation promulgated, adopted, or ratified by a local governmental entity's legislative body unquestionably satisfies Monell's policy requirements."), *overruled on other grounds by Bull v. City & Cty. of San Francisco*, 595 F.3d 964 (9th Cir. 2010).

Defendant further objects that Plaintiff's definition of "IDENTIFY" is overbroad. *See Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Defendant further objects that the interrogatory requires Defendant not only to IDENTIFY every database across multiple City departments and not specify every employee who collected or entered information into the database, which would require the Defendant to make a compilation, abstract, audit or summary of its business

1 records and such a compilation, abstract, audit or summary does not exist. *Hoffman v.*
2 *Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx), 2016 U.S. Dist. LEXIS
3 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty. of San Francisco*, Case
4 No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D. Cal. Dec. 14, 2016).
5 Defendant further objects that the interrogatory contains subparts seeking information on
6 distinct subjects and these subparts constitute separate interrogatories against Plaintiff's
7 limit of 25. F.R.Civ.P. 33(a); *Collaboration Props. v. Polycorn, Inc.*, 224 F.R.D. 473,475
8 (N.D. Cal. 2004).

9 Defendant objects that the manner in which information about cleanups is stored
10 has no relevance to whether Plaintiffs' constitutional rights were violated or whether
11 LAMC 56.11 is facially unconstitutional. Defendant objects that it has produced the
12 electronically exportable information from the relevant databases for the period 2018-
13 2020 in response to Plaintiffs' request for production, which includes the name of the
14 database and shows the type of data that is collected.

15 Subject to and without waiving these objections, Defendant responds as follows:
16 Documents responsive to this interrogatory were produced by Defendant and are
17 referenced below by Bates Number. Defendant refers Plaintiff to these documents for
18 further response. F.R.Civ.P. 33(d)(1); *Rainbow Pioneer # 44-18-04A v. Hawaii-Nevada*
19 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983).

20 (a) **MYLA 311:** MyLA 311 is a database that contains citywide service requests
21 including service requests to be addressed by LASAN, as well as some of the data that is
22 stored in AMS. See CTY020223. MyLA 311 uses fields and codes to log information
23 relating to service requests, including requests for homeless encampment cleanups, illegal
24 dumping, and other requests. A service request is typically initiated in one of three ways
25 – by a person: (1) calling the LASAN Customer Care Center, which request is then
26 inputted into the database by the LASAN agent/operator who took the call; (2) using the
27 self-service mobile application, which generates a service ticket and populates certain
28 fields in MyLA 311; and (3) using the “Create Service Ticket” function on the MyLA

1 311 or LASAN website, which generates a service ticket and populates certain fields in
2 MyLA 311. Under some circumstances, a service request may also be made by a LASAN
3 employee who observes an item located in the public right of way (recorded as a “Driver
4 Self Report”). The “Source of Request Code” field in MyLA 311 shows the manner in
5 which any particular request was initiated.

6 When a service ticket is initiated in MyLA 311 as a result of a request, the system
7 generates a Service Request Number and based on available information, populates
8 various fields, namely the Service Request Address, Service Request Type, Creation
9 Date, Source of Request, Service Date (based on pre-established dates on which various
10 geographical locations in the City are serviced), names of requestor (or “proxy” for
11 anonymous requestors), the department responsible for servicing the request (Ticket
12 Owner), Council District, and where appropriate, certain portions of the Item and/or
13 Comments fields. The Assigned To field is also populated by the system based on which
14 of the six district yards is assigned to service the location: EV–East Valley, NC–North
15 Central, SLA–South LA, WLA–West LA, HB–Harbor, and WV–West Valley.

16 The remaining fields, including Reason Code, Resolution Code, Driver Names,
17 Truck Number, Last Updated By Agent, Resolution, certain portions of the Item and/or
18 Comments fields, and Date Service Rendered fields, are populated based on information
19 provided by the LASAN employee(s) involved in investigating and/or servicing the
20 request. In many instances, employees investigating or servicing requests will transmit
21 such information to MyLA 311 by using a mobile application called SANSTAR, a mobile
22 fulfillment system designed to transmit certain data to and from MyLA 311 and other
23 databases. The Resolution codes are as follows:

24 A – Completed

25 AS – Already Serviced

26 B –Duplicated Request

27 C – Cancelled

28 CNPS – Cancelled by Parent SR

1 CPS – Closed by Parent SR
2 CR – Complaint Resolved
3 E – Address Not in City Limits
4 F – Non-City Service At Address
5 GI – General Information
6 NCPP – Not at Curb/On Private Property
7 NEP – No Encampment Present
8 NHHP – No Health Hazard Present
9 Q – Item Not Out
10 T – Transferred Call
11 US – Unable to Schedule

12 The Authorization Date and Authorization Number fields are populated by the
13 MyLA 311 system based on information entered in the Authorization Management
14 System (AMS).

15 **(b) AMS:** AMS is an acronym for Authorization Management System. This
16 database contains information about authorizations for noticed (comprehensive)
17 cleanups. See CTY020221 (2018-2019 data export) and CTY020330 (2019-2020 data
18 export); see also CTY014742 - CTY014751 (“LSD Public Right of Way Verification
19 (AMS)”). The Service Request Number, Address and Council District fields are
20 automatically populated from MyLA 311 data. Most of the other fields, including the
21 Date Approved, Cross Streets, and Location Comments are typically entered by LASAN
22 administrative clerks, or additional staff. The “Submitted by” field reflects the name of
23 the person who inputted information related to Authorizations. The administrative clerks
24 who presently served in this role are Tiffany Hill, who began serving in this role in 2019,
25 and Jocelyn Hernandez and Diana Gonzalez, both of whom served in this role in 2018
26 and 2019 as well. Other staff who may have submitted information in prior years as
27 reflected by the Submitted By field were Sabrena Edwards, Angel Ibarra, Leon Ho,
28 Danielle Maldonado, George Faavae, and Cassandra Serrano. Information in the

1 Expiration Date field as related to authorizations is program-generated based on a preset
2 algorithm. The field showing the relevant LAPD precinct is also program-generated
3 based on the location at issue.

4 Certain data about scouting events, which are operations during which time the
5 locations at issue are assessed for, among things, potential cleanup operations and notice
6 posting locations, was once in development for use in AMS. It is not currently known if
7 that functionality will ever be developed and implemented at a later date.

8 (c) **WPIMS:** WPIMS is an acronym for Watershed Protection Information
9 Management System. This database contains basic data about encampment cleanups
10 including dates and addresses of cleanups, identification of relevant Council Districts,
11 names of LASAN responders, and resolution information. See CTY020222 (2018-2019
12 WPIMS data export) and CTY020331 (2019-2020 WPIMS data export). Starting in
13 2019, WPIMS also includes itemized data collection, which provides estimates of how
14 much, e.g., pounds of waste and urine feces, number of sharps, drug paraphernalia,
15 reactive and ignitable compounds, were collected. The Call Received By field typically
16 identifies the ECI who first acknowledged and/or reviewed a service request for an
17 encampment cleanup.

18 The WPIMs database also houses documents related to the cleanups, including
19 Watershed Protection Division, Livability Services Division reports, notice-posting
20 surveys, waste manifests where applicable, and health hazard assessments. Such
21 documents are typically uploaded to the WPIMs system by one of the ECIs who
22 participated in the cleanup. There is no automated method for exporting such documents
23 from WPIMS; instead, each such document must be downloaded manually one document
24 or report at a time. The First Responder column typically identifies the ECI who was
25 responsible for overseeing or directing the resolution of the service request for that
26 encampment cleanup. The First Responder column also identifies the ECI who typically
27 would have inputted any information in the Resolution field and would have recorded the
28 number or amount of specific items collected during the cleanup, e.g., estimated pounds

1 of waste and urine feces, number of sharps, drug paraphernalia, reactive and ignitable
2 compounds, based on information received from the field team members involved in the
3 cleanup.

4 **(d) Collection Information System (CIS):** CIS is a database that is used to track
5 the various commodities collected; commodity tonnages; refuse collection truck operator
6 routes, hours worked, and the locations where the commodities are disposed (landfills);
7 the collection or delivery of trash bins; and work order charges. Administrative clerks
8 enter data collected from refuse collection truck operators into CIS. The CIS database
9 can be queried in different ways, for different reasons, at the request of different persons,
10 departments or entities, which results in the generation a variety of different kinds of
11 reports. The information contained in CIS is used by multiple divisions for different
12 reasons, including for residential collection services, tracking bins, calculation of tipping
13 fees, work order charges for waste collection services, and calculation of total tonnages.
14 Total CARE/CARE+ tonnage data is pulled monthly from CIS and used in weekly reports
15 to the Mayor's Office and Council Districts. The weekly reports contain information
16 about CARE homeless encampment service requests, sources of requests, and monthly
17 tonnage among other data points. See Bates Nos. CTY019337-CTY020160 (2019-2020
18 weekly reports to the Mayor's Office and Council Districts).

19
20 **INTERROGATORY NO. 14.**

21 For each of the databases or enterprise systems identified in response to
22 Interrogatory 13, IDENTIFY any reports, summaries, data analysis or other outputs that
23 have been generated related to ENCAMPMENT CLEANUPS since January 1, 2019 by
24 providing 1) the name of the report, summary, etc.; 2) IDENTIFYING who generated the
25 data; 3) the purpose of the report, summary, analysis or other output; 4) to whom the
26 report, summary, etc., was distributed; 5) the date the report, summary, etc. was
27 generated. If the report, summary, etc., was generated more than once or is generated on
28

1 a regular basis, identify the frequency with which the report is generated (daily, weekly,
2 quarterly, etc).

3
4 **RESPONSE TO INTERROGATORY NO. 14:**

5 Defendant incorporates the General Objections as though fully set forth here.
6 Defendant objects that the interrogatory seeks information that is not relevant to Plaintiff
7 Zamora's specific claims alleged in the SAC for incidents occurring on or around March
8 21, 2019 at 6th Street and Ardmore and on or around June 11, 2019 at 5th Street and
9 Harvard. *See In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562 (D. Az. 2016).
10 Defendant objects that the interrogatory is overbroad to the extent that it seeks
11 information relating to any individual plaintiff other than Plaintiff Zamora. *Unilin Beheer*
12 *B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143,
13 *14 (C.D. Cal. Feb. 27, 2015). Defendant objects that the interrogatory is not proportional
14 to the needs of the case, insofar as the burden or expense of searching for and producing
15 information outweighs the benefit of such discovery to Plaintiff Zamora's specific claims
16 alleged in the SAC. *See IBP, Inc. v. Mercantile Bank*, 179 F.R.D. 316, 321 (D. Kan.
17 1998); *Bashkin v. San Diego Cnty.*, Case No. 08-CV-1450-WQH (WVG), 2011 U.S. Dist.
18 LEXIS 3439, at * 4-5 (S.D. Cal. Jan. 13, 2011). Defendant does not dispute that it
19 promulgated LAMC 56.11 and enforced it in the relevant time period. *See Thompson v.*
20 *City of Los Angeles*, 885 F.2d 1439, 1444 (9th Cir. 1989) ("A rule or regulation
21 promulgated, adopted, or ratified by a local governmental entity's legislative body
22 unquestionably satisfies Monell's policy requirements."), *overruled on other grounds by*
23 *Bull v. City & Cty. of San Francisco*, 595 F.3d 964 (9th Cir. 2010).

24
25 Defendant further objects that Plaintiff's definition of "IDENTIFY" is overbroad.
26 *See Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S.
27 Dist. LEXIS 192143, *14 (C.D. Cal. Feb. 27, 2015); *Lucero v. Valdez*, 240 F.R.D. 591,
28 594 (D. N.M. 2007). Defendant further objects that the interrogatory requires Defendant

1 not only to IDENTIFY every report generated across multiple City departments, identify
2 all individuals who generated any such reports, identify all individuals who received any
3 such reports, which would require the Defendant to make a compilation, abstract, audit
4 or summary of its business records and such a compilation, abstract, audit or summary
5 does not exist. *Hoffman v. Cnty. of Los Angeles*, Case No. CV-15-03724-FMO(ASx),
6 2016 U.S. Dist. LEXIS 123515, * 15-16 (C.D. Cal. Jan. 6, 2016); *Estrada v. City & Cnty.*
7 *of San Francisco*, Case No. 16-cv-00722-MEJ, 2016 U.S. Dist. LEXIS 173740, *4 (N.D.
8 Cal. Dec. 14, 2016). Defendant further objects that the interrogatory contains subparts
9 seeking information on distinct subjects and these subparts constitute separate
10 interrogatories against Plaintiff's limit of 25. F.R.Civ.P. 33(a); *Collaboration Props. v.*
11 *Polycorn, Inc.*, 224 F.R.D. 473,475 (N.D. Cal. 2004).

12 Defendant further objects that the types of summaries or reports that are generated
13 from cleanup data have no relevance to whether Plaintiffs' constitutional rights were
14 violated or whether LAMC 56.11 is facially unconstitutional. *Unilin Beheer B.V. v. NSL*
15 *Trading Corp.*, No. CV 14-2210 BRO (SSx), 2015 U.S. Dist. LEXIS 192143, *14 (C.D.
16 Cal. Feb. 27, 2015); *Rivera v. Nibco, Inc.*, 364 F.3d 1057, 1072 (9th Cir. 2004) ("District
17 courts need not condone the use of discovery to engage in fishing expeditions.").
18 Defendant objects that it has produced the electronically exportable information from the
19 relevant databases for the period 2018-2020 in response to Plaintiffs' request for
20 production and reports or summaries from those databases were identified during its
21 investigation, Defendant has produced those as well and intends to produce any other
22 such documents if identified in the course of its ongoing investigation. Without waiving
23 any, and based on these objections, Defendant objects to any further response to this
24 interrogatory, but will meet and confer with Plaintiff regarding the relevance, if any, to
25 Plaintiff Zamora's specific alleged claims and proportionality of the interrogatory under
26 Rule 26(b).

27 Subject to and without waiving these objections, Defendant responds as follows:

28 **(a) MyLA 311:** MyLA 311 is a database that contains citywide service requests

1 including service requests to be addressed by LASAN, as well as some of the data that is
2 stored in AMS. See CTY020223. The MyLA 311 database can be queried in many
3 different ways, for many different reasons, at the request of many different persons,
4 departments or entities, which results in the generation of an innumerable number of
5 different kinds of reports. The database contains over 30 data fields that can be sorted,
6 filtered and/or queried to create any number of possible permutations of data that can then
7 be generated into a variety of different reports. These data fields include, among other
8 things, service request numbers, addresses, service request types, service request status,
9 council districts, authorization dates, employee names associated with the ticket(s), and
10 information about the resolution of the request.

11 Requests for reports generated from MyLA 311 data come from a variety of
12 sources and greatly vary in the nature and type of information and/or report sought. It is
13 impossible to identify or describe all such reports. For example, members of the public
14 request reports containing data stored in MYLA 311 under the California Public Records
15 Act (CPRA) seeking a variety of different types of information. A CPRA request may
16 ask, for example, for all service tickets related to homeless encampments for a particular
17 time-frame, or all service tickets related to illegal dumping a particular council district,
18 or all requests of a particular nature made on a particular day or in a particular
19 geographical location, and so on. As another example, a LASAN service yard or yards
20 may request information about open tickets in a particular area and/or in a particular time-
21 frame to determine how to schedule their operations. Other examples include reports
22 generated to respond to litigation-related inquiries, or questions from other City
23 departments, or Council Districts, the UHRC, and the Mayor's Office. The only routine
24 or periodic reports that are generated from the MyLA 311 database are reports that are
25 included in weekly reports to the Mayor's Office and Council Districts, which contain
26 illegal dumping service requests, CARE homeless encampment service requests, sources
27 of requests, among other data points. See Bates Nos. CTY019337-CTY020160 (2019-
28 2020 weekly reports to the Mayor'

1 **(b) AMS and WPIMS.** AMS is an acronym for Authorization Management
2 System; this database contains authorizations for noticed encampment cleanups. WPIMS
3 is an acronym for Watershed Protection Information Management System; this database
4 contains basic data about encampment cleanups including dates and addresses of
5 cleanups, identification of relevant Council Districts, names of LASAN responders,
6 resolution information and (as of 2019) estimated itemized collection information. Both
7 AMS and WPIMS databases can be queried in many different ways, for many different
8 reasons, at the request of many different persons, departments or entities. LSD does not
9 run reports from AMS and WPIMS on a standard, routine basis, rather, reports from these
10 databases are generated whenever there is a particular need for any given data set
11 contained in these databases. For all these reasons, it is not possible to identify all the
12 variants of such reports.

13 **(c) Collection Information System (CIS):** CIS is a database that is used to track
14 the various commodities collected; commodity tonnages; refuse collection truck operator
15 routes, hours worked, and the locations where the commodities is disposed (landfills); the
16 collection or delivery of trash bins; and work order charges. Administrative clerks enter
17 data collected from refuse collection truck operators into CIS. The CIS database can be
18 queried in different ways, for different reasons, at the request of different persons,
19 departments or entities, which results in the generation a variety of different kinds of
20 reports. The information contained in CIS is used by multiple divisions for different
21 reasons, including for residential collection services, tracking bins, calculation of tipping
22 fees, work order charges for waste collection services, and calculation of total tonnages.
23 Total CARE/CARE+ tonnage data is pulled monthly from CIS and used in weekly reports
24 to the Mayor's Office and Council Districts. The weekly reports contain information
25 about CARE homeless encampment service requests, sources of requests, and monthly
26 tonnage among other data points. See Bates Nos. CTY019337-CTY020160 (2019-2020
27 weekly reports to the Mayor's Office and Council Districts). The specific individuals
28 included on the distribution list for weekly reports varies over time, but generally the

1 distribution list for weekly reports includes chiefs of staff, deputy chiefs of staff,
2 communication directors, district directors, policy directors, field deputies, senior
3 administrative analysts for the Chief Administrative Office (CAO), the Board of Public
4 Works, and various LASAN staff.

5 Dated: February 16, 2021

MICHAEL N. FEUER, CITY ATTORNEY
KATHLEEN KENEALY, CH. DEPUTY CITY ATTORNEY
SCOTT MARCUS, CH. CIVIL LITIGATION BRANCH
GABRIEL DERMER, ASST. CITY ATTORNEY
FELIX LEBRON, DEPUTY CITY ATTORNEY
A. PATRICIA URSEA, DEPUTY CITY ATTORNEY

11 By: /s/ A. Patricia Ursea

A. Patricia Ursea
Deputy City Attorney
Attorneys for Defendant
CITY OF LOS ANGELES

CERTIFICATE OF SERVICE

I, A. Patricia Ursea, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 200 North Main Street, Room 675, Los Angeles, CA 90012.

On February 16, 2021, I served a copy of the following documents described as:

DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE

[x] BY E-MAIL

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the email transmission is returned as undeliverable.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2021, at Los Angeles, California.

/s/ A. Patricia Ursea

SERVICE LIST

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william.smith@kirkland.com

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
190814002524 Folder	Officer James Arredondo #34252	Police Officer II	35HOPE23-W2	8/14/2019	Cedros Bessemer
File Name <i>Cedros Bessimer</i>					Cedros Calvert
190814002524 Folder	Officer James Arredondo #34252	Police Officer II	35HOPE23-W2	8/14/2019	Cedros Bessemer
File Name <i>Cedros Bessimer 2</i>					Cedros Calvert
190814002524 Folder	Officers Kristan Delatori #32914	Senior Lead Officer (PIII+I)	9SL41-W4	8/14/2019	Cedros Bessemer
File Name <i>City Flagdown</i>					Cedros Calvert
190814002524 Folder	Officer Jacob Underwood #41233	Police Officer II	35HOPE21-W2	8/14/2019	Cedros Bessemer
File Name <i>CSLA Cedros</i>					Cedros Calvert
190814002524 Folder	Officer Cody Derosa #41105	Police Officer II	35HOPE23-W2	8/14/2019	Cedros Bessemer
File Name <i>Hope CSLA</i>					Cedros Calvert
190814002524 Folder	Officer Cody Derosa #41105	Police Officer II	35HOPE23-W2	8/14/2019	Cedros Bessemer
File Name <i>Hope CSLA 2</i>					Cedros Calvert
190814003493 Folder	Officer Jacob Underwood #41233	Police Officer II	35HOPE21-W2	8/14/2019	Cedros Bessemer
File Name <i>CSLA-Calvert</i>					Cedros Calvert
190110002014 Folder	Officer Andrew Paxton #41331	Police Officer II	34HOPE24-W2	1/10/2019	Alexandria at Sixth Street 90005
File Name- <i>Homeless Outreach</i>					
190110002014 Folder	Officer Kevin Cottle #41580	Police Officer II	34HOPE24-W2	1/10/2019	Alexandria at Sixth Street 90005

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
File Name- <i>Sanitation</i>					
190110002015 Folder	Officer Ivan Lucero #40488	Police Officer II	34HOPE25-W2	1/10/2019	Alexandria at Sixth Street 90005
File Name- <i>Axon Body 2 Video 2019.01.10</i>					
190110002015 Folder	Officer Carolina Argueta #39027	Police Officer II	34HOPE25-W2	1/10/2019	Alexandria Avenue at Sixth Street
File Name <i>RRT Bulky Hazardous</i>					
190129001222 Folder	Sgt. Jerald Case #36032	Sergeant I	35HOPE20-W2	1/29/2019	Tyrone Avenue at Aetna Avenue 91401
File Name <i>Axon Body 2 Video 2019.01.29</i>					
1901290012222 Folder	Officer Brenda Nix #36125	Police Officer III	35HOPE21-W2	1/29/2019	Tyrone Avenue at Aetna Avenue 91401
File Name <i>Rrt</i>					

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
1901290012222 Folder	Officer Armen Shahinian #40840	Police Officer II	35HOPE21-W2	1/29/2019	Tyrone Avenue at Aetna Avenue 91401
File Name <i>RRT Cleanup</i>					
1901290012222 Folder	Officer Brenda Nix #36125	Police Officer III	35HOPE21-W2	1/29/2019	Tyrone Avenue at Aetna Avenue 91401
File Name <i>Rrt-2</i>					
1901290012222 Folder	Officer Jacob Underwood #41233	Police Officer II	34HOPE24-W2	1/29/2019	Tyrone Avenue at Aetna Avenue 91401
File Name <i>-Spoke with SGT</i>					
190321001772 Folder	Officer Ivan Lucero #40488	Police Officer II	34HOPE25-W2	3/21/2019	Sixth Street at Kingsley Drive 90005
File Name <i>Axon Body 2 Video 2019.03.21 0951</i>					
190321001772 Folder	Officer Ivan Lucero #40488	Police Officer II	34HOPE25-W2	3/21/2019	Sixth Street at Kingsley Drive 90005
File Name <i>Axon Body 2 Video 2019 03.21.2019 1009</i>					
190321001772 Folder	Officer Carolina Argueta #39027	Police Officer II	34HOPE25-W2	3/21/2019	Sixth Street at Kingsley Drive 90005

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
File Name <i>RRT</i>					
190321002004 Folder	Officer Ivan Lucero #40488	Police Officer II	34HOPE25-W2	3/21/2019	Sixth Street at Kingsley Drive 90005
File Name <i>Axon Body 2 Video 2019.03.21 1036</i>					
190321002004 Folder	Officer Ivan Lucero #40488	Police Officer II	34HOPE25-W2	3/21/2019	Sixth Street at Kingsley Drive 90005
File Name <i>Axon Body 2 Video 2019.03.21 1040</i>					
190321002004 Folder	Officer Carolina Argueta #39027	Police Officer II	34HOPE25-W2	3/21/2019	Sixth Street at Kingsley Drive 90005
File Name <i>RRT Bulky</i>					
190424001194 Folder	Officer Alan Woodard #37419	Police Officer II	5F6-W2	4/24/2019	25327 S McCoy Avenue at Lomita
File Name <i>Axon Body 2 Video 2019.04.24 0827</i>					
190424001194 Folder	Officer Christopher Eick #38627	Police Officer II	5FL5-W2	4/24/2019	25327 S McCoy Avenue at Lomita
File Name <i>Axon Body 2 Video 2019.04.24 0948</i>					
190424001194 Folder	Officer Christopher Eick #38627	Police Officer II	5FL5-W2	4/24/2019	25327 S McCoy Avenue at Lomita

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
File Name <i>Axon Body 2 Video</i> 2019.04.24 0954					
190424001194 Folder	Officer Alan Woodard #37419	Police Officer II	5F6-W2	4/24/2019	25327 S McCoy Avenue at Lomita
File Name <i>Axon Body 2 Video</i> 2019.04.24 1221					
190424001194 Folder	Officer Christopher Eick #38627	Police Officer II	5FL5-W2	4/24/2019	25327 S McCoy Avenue at Lomita
File Name <i>Axon Body 2 Video</i> 2019.04.24 1231					
190429001306 Folder	Officer Brent Burkhart #34214	Police Officer III	35HOPE26-W2	4/29/2019	Aetna Street at Van Nuys 91401
File Name <i>CSLA</i>					
190429001306 Folder	Officer Armen Shahinian #40840	Police Officer II	35HOPE25-W2	4/29/2019	Aetna Street at Van Nuys 91401
File Name <i>CSLA Cleanup</i>					
190429001306 Folder	Officer Cory Garza #40811	Police Officer II	35HOPE25-W2	4/29/2019	Aetna Street at Van Nuys 91401
File Name <i>CSLA Vnys</i>					
190429001306 Folder	Officer Cory Garza #40811	Police Officer II	35HOPE25-W2	4/29/2019	Aetna Street at Van Nuys 91401
File Name <i>CSLA Vnys 2</i>					
190429001306 Folder	Officer Jerome Knopp #37244	Police Officer II	35HOPE26-W2	4/29/2019	Aetna Street at Van Nuys 91401
File Name <i>CSLA 2</i>					

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
190521001477 Folder	Officer Alan Woodard #37419	Police Officer II	5F6-W2	5/21/2019	800 West Lomita at Vermont
File Name <i>Axon Body 2 Video 2019.05.21 0904</i>					
190521001477 Folder	Officer Alan Woodard #37419	Police Officer II	5F6-W2	5/21/2019	800 West Lomita at Vermont
File Name <i>Axon Body 2 Video 2019.05.21 1004</i>					
190521001477 Folder	Officer Alan Woodard #37419	Police Officer II	5F6-W2	5/21/2019	800 West Lomita at Vermont
File Name <i>Axon Body 2 Video 2019.05.21 1009</i>					
190521001477 Folder	Officer Alan Woodard #37419	Police Officer II	5F6-W2	5/21/2019	800 West Lomita at Vermont
File Name <i>Axon Body 2 Video 2019.05.21 1014</i>					
190521001477 Folder	Officer Paul Ulmer #40007	Police Officer II	5F6-W2	5/21/2019	800 West Lomita at Vermont
File Name <i>Axon Body 2 Video 2019.05.21 BOS</i>					
190521001477 Folder	Officer Paul Ulmer #40007 #:0000	Police Officer II	5F6-W2	5/21/2019	800 West Lomita at Vermont
File Name <i>Axon Body 2 Video 2019.05.21 BOS 2</i>					

Case 5:19-cv-00185-DSE-BFV Document 155-5 Filed 06/10/19 Page 6 of 100 Page ID #:0000

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
190604002243 Folder	Officer Ivan Lucero #40488	Police Officer II	34HOPE25-W2	6/4/2019	Western Avenue at Oakwood Avenues 90004
File Name <i>Axon Body 2 Video 2019.06.04 1058</i>					
190604002243 Folder	Officer Carolina Argueta #39027	Police Officer II	34HOPE25-W2	6/4/2019	Western Avenue at Oakwood Avenues 90004
File Name RRT Bulky					
Argueta 39027 Inc. 1501 RRT_BULKY_Haz ardous; Argueta 39027 Inc. 1769 RRT_BULKY_Haz ardous; Argueta 39027 Inc. 2291 RRT_Trash_Hazar dous; Argueta 39027 Inc. 2474 RRT_BULKY_Haz ardous	Officer Argueta, Carolina #39027	Police Officer II	34HOPE21-W2	6/11/2019	Pico/ St. Andrews 10th St/ Wilton Pl.Gramercy Dr./ Olympic Normandie / San Marino
Cho 33817 Inc. 1555 Clean_Up; Cho 33817 Inc. 1795 Clean_Up; Cho 33817 Inc. 2332 Clean_Up	Officer Harris Cho #33817	Police Officer III	20SL53-W2	6/11/2019	St. Andrews/ Pico10th St./ Gramercy Pl.Gramercy Dr. /Olympic

Folder/File Name	Officer who recorded video	Rank	Assignment	Date of footage	Location
Chung 41347 Inc. 1546 Rapid_ Response _Security; Chung 41347 Inc. 1820 Rapid_ Response_Security; Chung 41347 Inc. 2314 Rapid_ Response_Security	Officer Kevin Quyen Chung #41347	Police Officer II	34HOPE24-W2	6/11/2019	St. Andrews/ Pico10th St./Wilton Pl./ Gramercy Dr. /Olympic
Landry 32465 Alley_Clean_Up_ Inc. 1646	Officer Christopher Landry #32465	Police Officer III	20SL13-W2	6/11/2019	6th W/O Berendo
Panameno 33799 Inc. 2145 RRt_Response Panameno 33799 Inc. 2317 RRT_Response	Sergeant Douglas W. Panameno #33799	Sergeant I	34HOPE20-W2	6/11/2019	10th St./Wilton Pl. Gramercy Dr. /Olympic
Paxton 41331 Inc. 1546 Rapid_ Response _Security; Paxton 41331 Inc. 1820 Rapid_Response _Security; Paxton 41331 Inc. 2314 Rapid_Response _Security	Officer Andrew Paxton #41331	Police Officer II	34HOPE24-W2	6/11/2019	St. Andrews/ Pico 10th St./ Wilton Pl. Gramercy/ Olympic

#:0008

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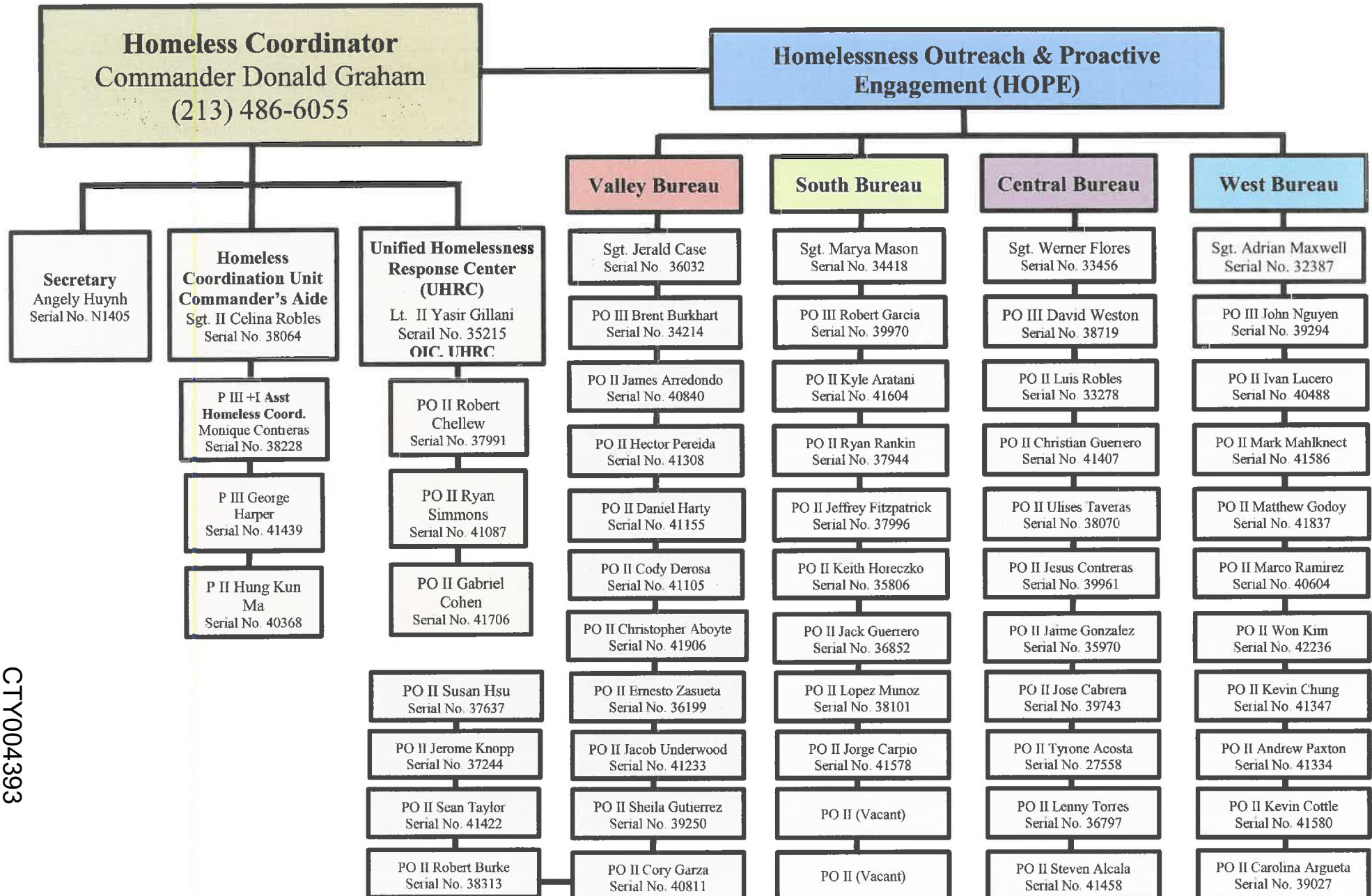
**Exhibit B to Defendant's Amended Responses
to Zamora Interrogatories Set One**



OO DEPARTMENT HOMELESS COORDINATOR ORGANIZATION CHART



DP 11 - 2019



CTY004393



OO DEPARTMENT HOMELESS COORDINATOR

ORGANIZATION CHART

DP 10 - 2020

Homeless Coordinator
Commander Donald Graham
(213) 486-6055

**Homelessness Outreach & Proactive
Engagement (HOPE)**

**Unified Homelessness
Response Center
(UHRC)**
Lt. II Yasir Gillani
Serial No. 35215
OIC, UHRC

PO II Sharon
Azpeitia
Serial No. 35516

PO II Ryan
Simmons
Serial No. 41087

PO II Gabriel
Cohen
Serial No. 41706

**Homeless
Coordination Unit
Commander's Aide**
Sgt. II Shon Wells
Serial No. 31394

P III +I Asst
Homeless Coord.
Robert Chellew
Serial No. 37991

P III George
Harper
Serial No. 41439

P II Hung Kun
Ma
Serial No. 40368

Secretary
Angely Huynh
Serial No. N1405

PO II Rebecca Reese
Serial No. 39573

PO II Jerome Knopp
Serial No. 37244

PO II Sean Taylor
Serial No. 41422

PO II Robert Burke
Serial No. 38313

PO II Jacob Underwood
Serial No. 41233

PO II Cory Garza
Serial No. 40811

PO II
Vacant

Valley Bureau

Sgt. Jerald Case
Serial No. 36032

PO III Brent Burkhardt
Serial No. 34214

PO II James Arredondo
Serial No. 34252

PO II Hector Pereida
Serial No. 41308

PO II Daniel Harty
Serial No. 41155

PO II Cody Derosa
Serial No. 41105

PO II Christopher Aboyte
Serial No. 41906

PO II Ernesto Zasqueta
Serial No. 36199

PO II Mario Ververa
Serial No. 37985

PO II Steven Alcala
Serial No. 41458

Central Bureau

Sgt. Werner Flores
Serial No. 33456

PO III David Weston
Serial No. 38719

PO II Luis Robles
Serial No. 33278

PO II Christian Guerrero
Serial No. 41407

PO II Ulises Taveras
Serial No. 38070

PO II Jesus Contreras
Serial No. 39961

PO II Jaime Gonzalez
Serial No. 35970

PO II Jose Cabrera
Serial No. 39743

PO II Tyrone Acosta
Serial No. 27558

PO II Lenny Torres
Serial No. 36797

PO II Santiago Cervantes
Serial No. 38387

South Bureau

Sgt. Marya Mason
Serial No. 34418

PO III Robert Garcia
Serial No. 39970

PO II Kyle Aratani
Serial No. 41604

PO II Ryan Rankin
Serial No. 37944

PO II Jeffrey Fitzpatrick
Serial No. 37996

PO II Keith Horeczko
Serial No. 35806

PO II Jack Guerrero
Serial No. 36852

PO II Lopez Munoz
Serial No. 38101

PO II Jorge Carpio
Serial No. 41578

PO II Jose Ortega
Serial No. 37975

PO II Manuel Anaya
Serial No. 38222

West Bureau

Sgt. Adrian Maxwell
Serial No. 32387

PO III John Nguyen
Serial No. 39294

PO II Ivan Lucero
Serial No. 40488

PO II Marc Mahlknecht
Serial No. 41586

PO II Matthew Godoy
Serial No. 41837

PO II Marco Ramirez
Serial No. 40604

PO II Won Kim
Serial No. 42236

PO II Kevin Chung
Serial No. 41347

PO II Andrew Paxton
Serial No. 41334

PO II Kevin Cottle
Serial No. 41580

PO II Carolina Argueta
Serial No. 39027

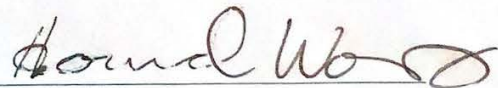
VERIFICATION

I, HOWARD WONG, hereby declare:

I am the Assistant Chief Environment Compliance Officer for City of Los Angeles Department of Public Works, Bureau of Sanitation's Livability Services Division and Watershed Protection Division. I have read the responses to Interrogatory Nos. 1(a), 2(a), 3-9, 11, and 13(c) in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** in *Garcia v. City of Los Angeles, et al.*, Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in the responses to the above-referenced Interrogatories is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2021 in Los Angeles, California.


Howard Wong

VERIFICATION

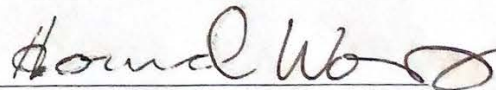
VERIFICATION

I, HOWARD WONG, hereby declare:

I am the Assistant Chief Environment Compliance Officer for City of Los Angeles Department of Public Works, Bureau of Sanitation's Livability Services Division and Watershed Protection Division. I have read the responses to Interrogatory Nos. 1(a), 2(a), 3-9, 11, and 13(c) in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** in *Garcia v. City of Los Angeles, et al.*, Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in the responses to the above-referenced Interrogatories is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2021 in Los Angeles, California.



Howard Wong

VERIFICATION

VERIFICATION

I, DOMINGO OROSCO, hereby declare:

I am the Assistant Division Manager for City of Los Angeles Department of Public Works, Bureau of Sanitation's Livability Services Division. I have read the responses to Interrogatory Nos. 13(b) and 14(b) in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** in *Garcia v. City of Los Angeles, et al.*. Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in the responses to the above-referenced Interrogatories is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2021 in Los Angeles, California.


Domingo Orosco

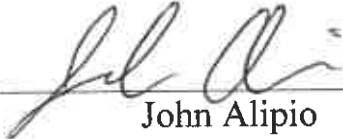
VERIFICATION

I, John Alipio, declare:

I am employed by the Los Angeles Police Department in the Legal Affairs Division. I have read the response to Interrogatory No. 12 in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** and **AMENDED EXHIBIT A - Defendant's Amended Response to Zamora Interrogatory No. 12** ("AMENDED EXHIBIT A") in *Garcia v. City of Los Angeles, et al.*, Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in **AMENDED EXHIBIT A** is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2021 in Los Angeles, California.


John Alipio

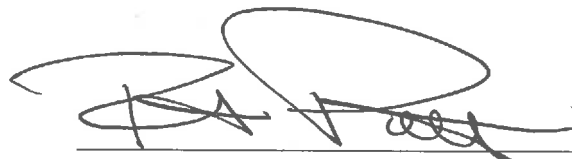
VERIFICATION

I, ROBERT J. POTTER, hereby declare:

I am the Manager for City of Los Angeles Department of Public Works, Bureau of Sanitation's Solid Resources Support Services Division. I have read the responses to Interrogatory No. 10 in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** in *Garcia v. City of Los Angeles, et al.*. Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in the responses to the above-referenced Interrogatory is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2021 in Los Angeles, California.



Robert J. Potter

VERIFICATION

I, CECILE BUNCIO, hereby declare:

I am the Division Manager for City of Los Angeles Department of Public Works, Bureau of Sanitation's Customer Care Center Division. I have read the responses to Interrogatory Nos. 13(a) and 14(a) in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** in *Garcia v. City of Los Angeles, et al.*, Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in the responses to the above-referenced Interrogatories is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2021 in Los Angeles, California.


Cecile Buncio

VERIFICATION

VERIFICATION

I, KELLY WAKABAYASHI, hereby declare:

I am a Senior Management Analyst I for the City of Los Angeles Department of Public Works, Bureau of Sanitation's Financial Management Division. I have read the responses to Interrogatory Nos. 13(d) and 14(c) in **DEFENDANT CITY OF LOS ANGELES' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF ZAMORA'S INTERROGATORIES SET ONE** in *Garcia v. City of Los Angeles, et al.* Case No. CV19-6182-DSF-PLA. Based on a reasonable investigation, the information in the responses to the above-referenced Interrogatories is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 11, 2021 in Los Angeles, California.

Kelly Wakabayashi

EXHIBIT AO



PUBLIC RIGHT-OF-WAY ENFORCEMENT



HOPE/RAPID RESPONSE TEAM UPDATE

FEBRUARY 15, 2017

OVERVIEW (Law/Orders)

- **APRIL 6, 2016** – LAMC 56.11 Ordinance
- **APRIL 7, 2016** – 56.11 PROTOCOLS
- **JUNE 20, 2016** – Mandate for HOPE/PUBLIC RIGHT-OF-WAY ENFORCEMENT TEAMS- EXECUTIVE DIRECTIVE #16

HOMELESS OUTREACH & PROACTIVE
ENGAGEMENT (HOPE) TEAMS



LOS ANGELES MUNICIPAL CODE 56.11 BRIEFING

Gonzalo Barriga MS
Lt. Environmental Officer
LASAN, Watershed Protection,
Environmental Enforcement

Clean Streets Initiative (CSI)



- On Thursday, April 23, 2015, Mayor Eric Garcetti, signed Executive Directive Number NO. 8 (ED NO. 8) . ED NO. 8 is the Clean Streets Initiative, fondly referred to by Mayor Garcetti as CSI Los Angeles.
- ED NO. 8 aims at improving livability and cleanliness in the City of Los Angeles by targeting litter and debris from City streets, sidewalks and alleys. ED NO. 8 calls for LASAN to be the City Lead agency responsible for implementing the Clean Streets Initiative.



Clean Streets Initiative (CSI)



- **1. July 1, 2015: LASAN shall develop a plan for the deployment of a new Clean Streets Strike Team for clean-up in the neighborhoods where most needed.**
- 2. August 1, 2015: LASAN shall develop a plan for increasing the number of City-owned trash receptacles by 1,250 in FY 2015-16.
- 3. October 1, 2015: LASAN, in conjunction with Board of Public Works (BPW) and Office of Community Beautification (OCB), shall develop a street-by-street cleanliness assessment system to guide the deployment of City services.
- **4. November 1, 2015: BPW, in conjunction with LASAN, OCB, Bureau of Street Services and the Police Department, shall develop a plan to maximize the enforcement of laws regarding the illegal dumping of waste.**

EXHIBIT AP

Garcia v. City of Los Angeles, Case 2:19-cv-06182-DSF-PLA

South Los Angeles Cleanups



Imperial Highway &
Wilmington Avenue



West 88th Place & South
Flower Street



South Flower Street & West
92nd Street



Century Blvd & US 110



West 108th Street & US 110



East 87th Place & Mettler
Street



South Saint Andrews Place &
West 60th Street



East 87th Place & Mettler
Street



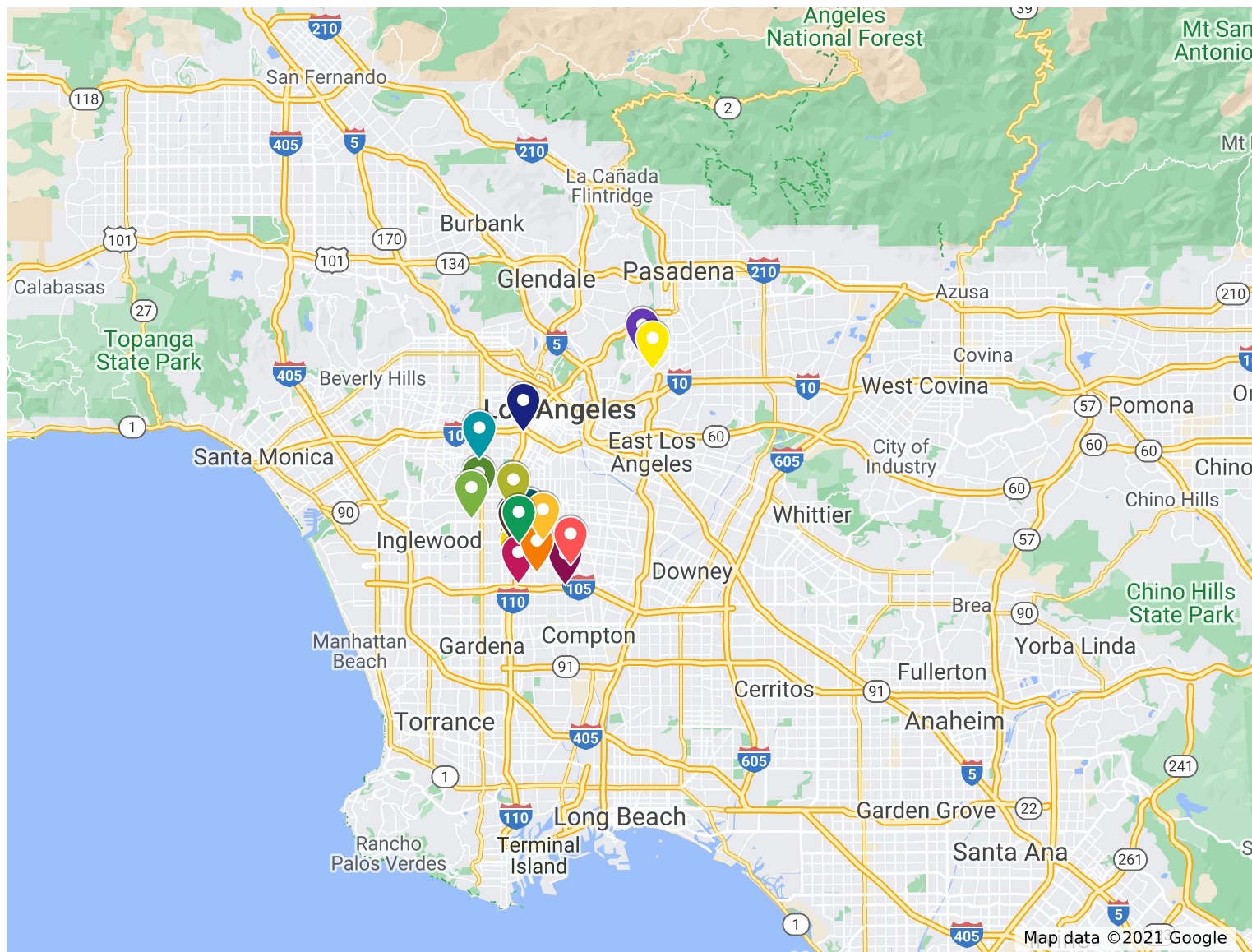
San Pedro Street & East 84th
Street



West 88th Street & South
Flower Street



Washington Blvd & US 110





Pueblo Avenue & Huntington
Drive



West 88th Street & South
Flower



Broadway & 115th Street



Lou Dillon Avenue & East
103rd Street



East 108th Street & Stanford
Avenue



1014 E Manchester Ave



Alhambra Avenue & Warwick
Avenue



West 65th Street & South
Figueroa Street



7112 S Van Ness Ave



8734 S Broadway



38th & Middleton (rough)

EXHIBIT AQ

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: February 16, 2018

TO: Honorable Members
Los Angeles City Council

FROM: Enrique C. Zaldivar, Director and General Manager
LA Sanitation



SUBJECT: REPORT BACK ON THREE MOTIONS REGARDING LASAN LIVABILITY AND ENVIRONMENTAL QUALITY PROGRAM – ILLEGAL DUMPING AND HOMELESS ENCAMPMENT CLEAN-UPS

On March 28, May 18, and November 1, 2017, three separate Council Motions were introduced that were related to LA Sanitation's (LASAN) Livability and Environmental Quality Program (LEQP):

- On March 28, 2017, Motion 17-0331 (Huizar, O'Farrell) instructs LASAN to report on the status and implementation of Homeless Outreach and Proactive Engagement (HOPE) Teams and on the staffing for the HOPE Team and Clean Street Initiative (CSI), including streamlining and expedited filling of vacant positions.
- On May 18, 2017, as part of Fiscal Year (FY) 2017-18 adopted budget 17-0600-S58, LASAN was instructed to report to the Homelessness and Poverty Committee on metrics to measure the success of HOPE Teams.
- On November 1, 2107, Motion 14-1499-S6 (Huizar, O'Farrell, Price) instructs LASAN to report on the backlog of the Clean Streets LA (CSLA) encampment service requests and efforts to address the areas of high demand. LASAN should also report on resources needed to respond to areas of high demand so that the backlog is reduced to such a point that an equitable deployment of CSLA resources is adequate to manage service requests Citywide.

This report provides an overall review of the various tasks associated with LEQP and the implementation of the City of Los Angeles Municipal Code (LAMC) Section 56.11 and Mayor's Executive Directive No. 8. The report also provides LASAN's responses to the instructions listed above as well a detailed summary of the services provided, results and any additional needs.

Background

The City of Los Angeles (City) is responsible for the maintenance of sidewalks and other public areas owned, managed or maintained by the City. These public areas must remain safe, clean, sanitary and accessible for public use by all individuals. In order to promote the general public's health and safety of all public areas, while balancing the needs of the City's population at all levels of livelihood, including the homeless population, the City recently made amendments to LAMC 56.11 to regulate any personal property disposed of, left or stored in public areas.

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LASAN serves as the Designated Administrative Agency (DAA) under this code. All LASAN's livability programs are conducted in collaboration with and support from the Los Angeles Police Department (LAPD) and the Los Angeles Homeless Services Authority (LAHSA).

The four programs associated with this effort are:

1. Operation Healthy Streets – Skid Row (OHS- Skid Row)
2. Operation Healthy Streets – Venice (OHS- Venice)
3. Clean Streets LA (CSLA)
4. Homeless Outreach and Proactive Engagement (HOPE)

Operation Healthy Streets – Skid Row

In May 2012, OHS-Skid Row was initiated in response to a public health concerns in Skid Row. In response to the need, LASAN developed a comprehensive cleaning program to clean impacted streets in the Skid Row area. Initially, the streets were cleaned once every quarter with spot cleaning conducted once every month. Since then, LASAN has increased the frequency of cleaning. Every street in the Skid Row area is cleaned on a two-week cycle. This includes removing any health hazards and disinfecting the sidewalks to prevent any disease outbreaks. Our teams coordinate closely with the social services providers and LAPD. Outreach with the homeless is conducted prior to and during the clean-ups. El Pueblo was recently added to the clean-up schedule for weekly Tuesday service. In addition, there are 56 trash receptacles that are picked up twice a day, seven days a week. These trash receptacles services were not budgeted in the OHS operations. On the average, 40 tons of waste is removed monthly including large volumes of human waste and a large number of sharps and needles.

In addition to the trash receptacles' service, LASAN received many requests from businesses in the area represented by Central City East Association (CCEA) and LAPD, for a number of streets outside the established OHS area boundaries that needed to be cleaned and incorporated into the OHS clean-up schedule. A pilot was initiated from October 2, 2017 to October 14, 2017 to address the areas outside the Skid Row established clean-up boundaries. Based on the impact, the businesses were concerned with reducing the current cleaning schedule to expand the clean-up area using the same resources. The expansion was not permanently implemented and continues to be considered.

Operation Healthy Streets – Venice

LASAN continues to conduct comprehensive cleaning every Friday in the Venice area as part of OHS-Venice. Outreach with the homeless is conducted prior to and during the clean-ups. On the average, 12 tons of waste are removed monthly with large volumes of human waste and a large number of sharps and needles.

Clean Streets LA

Prior to January 1, 2018, LASAN had four CSLA teams working across the City to conduct clean-ups associated with illegal dumping and homeless encampments. On January 1, 2018, a

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fifth team was added to the program. LASAN continues to implement its standard operating protocols for engagement with the homeless as part of the homeless encampment clean-ups. These protocols include extensive outreach through LAHSA prior to the authorization of any homeless encampment clean-ups. In addition, the protocols ensure that adequate assistance is provided to the homeless who are physically or mentally impaired prior to commencing the clean-ups. In calendar year 2017, more than 12,000 tons of trash and discards were collected from homeless encampments and illegal dumping locations and 2,720 tons were collected from servicing the 3,500 trash receptacles located throughout the City. On the average, about 1,200 tons of waste are picked-up monthly.

Homeless Outreach and Proactive Engagement (HOPE)

The purpose of the HOPE Teams is two-fold: 1) Improve the City's overall response to the complex and diverse needs of the unsheltered homeless community; and 2) Support healthy neighborhoods. The HOPE Teams will accomplish this by linking homeless individuals with appropriate services, responding to neighborhood issues and concerns as called for in LAMC 56.11, and developing strategies for dealing with situations that may arise among unsheltered homeless individuals, including those experiencing mental illness and substance abuse disorders.

The HOPE Teams consist of personnel from LASAN, LAPD, LAHSA, and assistance from a Deputy City Attorney from the Los Angeles City Attorney's Office. The LAPD assigns a total of 10 police officers and one Sergeant to the team. These are police officers who have been working with homeless-related assignments, such as outreach teams. LAHSA provides four outreach and engagement specialists for each HOPE Team, while LASAN assigns four employees to support each team. Currently we have a total of six teams. Four are deployed from the City's LAPD bureaus: Central, South, Valley and West Bureau; one Citywide; and one assigned to the LA River. The Citywide and LA River Teams were launched in early January 2018. On the average, about 150 tons of waste are removed monthly.

The following are LASAN's responses to the instructions indicated above in chronological order:

1. LASAN to report on the status and implementation of HOPE Teams and on the staffing for the HOPE Team and CSI, including streamlining and expedited filling of vacant positions. LASAN was also instructed to report to the Homelessness and Poverty Committee on metrics to measure the success of HOPE Teams.

At the time the Motion 17-0331 was introduced on March 28, 2017, LASAN and LAPD in collaboration with LAHSA were operating four HOPE Teams across the City in the four LAPD bureaus. The HOPE Teams have worked with the homeless population to ensure that adequate mental, medical and social services will be provided while ensuring staying in compliance with LAMC 56.11.

There are two classes that are critical to the staffing of the HOPE teams. These are the Environmental Compliance Inspector (ECI) class and the Solid Resource Collection Truck Operator (RCTO) class. LASAN has been working with the Personnel Department to fill vacancies in these two classes. Since January 2017, LASAN have been able to hire 57 ECIs to

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support these activities and 84 RCTOs. However, the turnover and attrition in these classes is extremely high especially when in the positions that involved homeless encampment clean-ups. For example, even with the 57 ECIs hired in 2017, we currently have 22 vacancies in this class. To address the high turnover, we need an expedited hiring process for these classes. As such, LASAN will be working with the Personnel Department to obtain authorization and proceed with continuous examining process for both these classes.

In addition, background checks are required for ECI positions performing this work. Currently, those background checks are considered lower priority than other public safety positions, so it can take several months. It is recommended that the background checks for these positions be granted equal priority as other public safety positions.

In FY 2017-18, six months of funding were provided for the two additional HOPE Teams which were launched on January 8, 2018: LA River HOPE and Citywide HOPE. The LA River Team will patrol the Los Angeles River and three main tributaries (half a mile from centerline on both sides). The three tributaries include Pacoima Wash, Tujunga Wash, and the Arroyo Seco. The LA River has been broken down into five zones (see Exhibit A). Staff will focus on one zone per week in a five-week cycle (see Exhibit B). The team will focus on bike paths, alleys and streets (ROW) abutting the Los Angeles River in the identified five zones.

The other team will focus on citywide functions assisting the already established four teams with the many rapid responses required in each LAPD bureau. The team will focus on high priority areas with the highest concentration of service needs. There high priority areas are along the 101 freeway corridor in Hollywood, the 110 freeway corridor and the 10 freeway corridor in the vicinity of the downtown area. The Citywide team functions include:

- Patrol identified high priority areas making a presence several times in a one-week time span (see Exhibit C).
- Patrol identified high priority areas (see Exhibit D) to enforce all LAMC 56.11 violations and quality of life issues such as illegal dumping and pollution.

During calendar year 2017, HOPE Teams responded to 1,505 right-of-way enforcement calls and processed a total of 1,512 tents and removed 502 tons of waste including 3,670 needles and sharps (see Exhibit E). In addition, the HOPE teams had 16,312 contacts with the homeless while referring 3,637 to services.

HOPE Team Make-up and Staffing

Each Rapid Response (RRT)/HOPE team consists of four LASAN team members: two Environmental Compliance Inspectors/Officers (ECI/ECO), one Refuse Collection Truck Operator (RCTO), and one Maintenance Laborer (ML). The LAPD support is provided by each corresponding Bureau.

An ECI/ECO assigned to this program performs duties related to illegal personal property storage in the right-of-way. The mission of these teams is to gain compliance through education, enforcement and impoundments related to LAMC 56.11 on City property and public right-of-

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ways throughout the City. Specific tasks include being the operational lead, performing health and safety hazard determinations, hazard categorizing unknown chemicals, preparing legal documentation (reports/metrics), and encampment assessments, site security, and general oversight of the impoundment and related clean-up operations. The MLs and RCTOs will collect and transport solid waste for disposal.

2. LASAN to report on the backlog of the CSLA encampment service requests and efforts to address the areas of high demand. LASAN should also report on resources needed to respond to areas of high demand so that the backlog is reduced to such a point that an equitable deployment of CSLA resources is adequate to manage service requests Citywide.

LASAN launched the Clean Streets Initiative, now CSLA, in FY 2014-15 for enhanced citywide clean-up of abandoned waste in public rights-of-way. The goal of this program is to provide clean-up service for locations that require specialized personnel and/or servicing equipment. These locations include homeless encampments, locations with heavy loads, such as concrete and asphalt, excess vegetation, and excessive abandoned solid waste. The program has expanded each year. Currently, the CSLA Program consists of five CSLA teams, Street Cleanliness Indexing (CleanStat) Team, and a Street Receptacle Team servicing 4,750 refuse and 500 recycling street receptacles.

As of late 2015, the bulk majority of all service requests have been processed through MyLA311, which has been utilized as a "one" source service request data collection system. The MyLA311 application is the main way for Los Angeles residents and business owners to report homeless encampments and illegal dumping. The MyLA311 system has a built-in logic feature that analyzes each new service request to determine if a request is a new request or a duplicate request. The system is designed to evaluate each new request based on multiple attributes including location radius, service request type, and status of the request. In the event a request has been submitted into the system and a resident is entering a similar request through the MyLA311 app, or through the 24/7 LASAN Customer Care Center, the resident will be informed that a similar request is already in the system (open/pending) and the resident will have the option of a notification when the request is completed or they can elect to enter a new request. Consequently, it is common for the system to have duplicate requests for most locations. It is also common for one location to generate multiple requests as it moves through the authorization and clean-up process. Duplicate service requests in CSLA are linked to one main service request which is tied to the location's homeless encampment authorization (see Exhibit F). Linked service requests remain open through the homeless encampment scheduling process and are closed when the homeless encampment is serviced. The authorization is completed and the associated service requests are closed simultaneously.

The following table displays how the number of service requests can alter from each authorization. In 2017 LASAN closed 15,806 service requests that were associated with approximately 2,000 authorizations. For every comprehensive cleanup conducted, there is an average of six service requests per authorization.

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Service Request Assigned to Authorization		
Council District	Authorization Number	Count of Associated SR's
9	171118023	7
9	170925008	16
13	171214008	68
13	170720007	4
14	170412010	99
14	171215008	2

LASAN manages the requests through regular field inspections of new locations. Locations are vetted for the presence of active encampments in the public right-of-way and those requiring service are referred to the CSLA program. Locations that do not require homeless encampment authorizations are serviced by LASAN's district yards if there are bulky items, or are closed and not requiring service.

The servicing of homeless encampments is unique in that although LASAN services encampments, removes health hazards, bulky items, and loose debris, there is currently nothing that prevents homeless individuals from immediately returning to the same location once the authorized location is serviced. This often causes serviced locations to generate requests post-cleaning and to re-enter the authorization and scheduling process. Additionally, many homeless encampments are large in size and require complex logistics and equipment to service. Other homeless encampments in locations such as conservation areas can only be serviced at certain times during the year. LASAN works with all local agencies to coordinate joint clean-up operations and schedules in conjunction with all relevant agencies on an ongoing basis to ensure that complex locations are scheduled as quickly as possible.

Each Council District is guaranteed a minimum of two days per month for comprehensive homeless encampment service using CSLA teams. Some Council Districts are then allotted an additional number of CSLA homeless encampment and illegal dumping days based on the number of MyLA311 service requests in their district. Currently, the highest need districts average four days per month for comprehensive homeless encampment clean-ups. Additionally, the OHS program supplies dedicated staff to the daily clean-up of the Skid Row area and the weekly clean-up of the Venice Boardwalk. On each Council Office's designated service days, LASAN coordinates with the Council District staff to prioritize locations for the clean-up schedule.

The current authorization system allows for each authorization to remain open for 90 days after the location is approved. Once the location is serviced, the authorization is closed and a new authorization must be obtained before the location can be cleaned again. At times this can be challenging as chronic locations must be quickly reauthorized so that they can be serviced again. To streamline the authorization process, improve workflow, and manage the deployment of resources, LASAN is developing an automated process to respond to city-wide homeless encampment clean-ups. This will ensure that more locations are being authorized in a timely manner, signatures are obtained by the signing authorities on an ongoing basis, and authorized locations are automatically routed for posting on the Council District's assigned service date. Automatically preparing authorized locations for posting will prevent locations from remaining

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on the list for a lengthy period of time, which also causes the related service requests to remain open.

The number of service authorizations has increased in 2017. Although this indicates that LASAN has serviced more encampments, the number of pending service requests remained unchanged or even increased. There has been a nearly three-fold increase in the number of service requests between April 2016 and end of 2017. In April to May 2016, these averaged 700 service requests per month. By August to October 2017, that average had risen to 1,900 service requests per month. This increase is driven by: 1) increase in homeless population, 2) the City's successful outreach efforts to our residents to report homeless encampments, and 3) an increased access to, and awareness of, ways to make service requests. In 2016, LASAN closed 8,641 service requests. In 2017, the number of closed service request rose to 15,806 (see Exhibit G).

The table below depicts the level of services related to homeless encampments in each council district in 2017 along with the current open service requests in each council district. As seen in the table and as depicted in Exhibits D and F, there are specific areas in the City that are highly impacted by homelessness encampments and have the highest concentration of open service requests. There high priority areas are along the 101 freeway corridor in Hollywood, the 110 freeway corridor and the 10 freeway corridor in the vicinity of the downtown area.

Council District	Closed Number of Service Request	% of Closed Number of Service Request	Pending Number of Service Request	% of Pending Number of Service Request	Total Number of Service Request	% of Grand Total
CD 1	1,098	6.86%	343	8.83%	1,441	7.25%
CD 2	704	4.40%	66	1.70%	770	3.87%
CD3	756	4.73%	23	0.59%	779	3.92%
CD 4	742	4.64%	80	2.06%	822	4.14%
CD 5	968	6.05%	69	1.78%	1,037	5.19%
CD 6	1,002	6.26%	231	5.95%	1,233	6.20%
CD 7	704	4.40%	38	0.98%	742	3.73%
CD 8	698	4.36%	91	2.34%	789	3.97%
CD 9	1,529	9.56%	778	20.03%	2,307	11.61%
CD 10	1,426	8.91%	175	4.51%	1,601	8.05%
CD 11	926	5.79%	81	2.09%	1,007	5.07%
CD 12	559	3.49%	49	1.26%	608	3.06%
CD 13	2,351	14.69%	696	17.92%	3,047	15.33%
CD 14	2,211	13.82%	1,069	27.52%	3,280	16.50%
CD 15	326	2.04%	95	2.45%	421	2.12%
Grant Total	16,000		3,884		19,884	

As indicated in the November 1, 2017, Motion 14-1499-S6; CD-9, CD-13, and CD-14 currently have the highest number of homeless encampment service requests, accounting for 60 percent of pending requests. Scheduling the service teams utilizing a data-driven strategy is the best approach to reduce the number of service requests in high priority areas. In January 2018, LASAN added a fifth CSLA team. The fifth team will be scheduled using data to deploy the

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team to chronic or longstanding requests in high-need Council Districts. Its deployment will be based on the number of pending service requests, starting from the highest and oldest, to the lowest and most recent. Furthermore, we will work with Council District staff and others in ensuring that service requests are captured in the backlog by also conducting field assessments.

In order to provide a sustainable homeless encampments and illegal dumping clean-up service, LASAN recommends the implementation of a systematic clean-up plan that is based primarily on street indexes where highly impacted areas will be cleaned-up on an established and frequent schedule. Other less impacted areas will be serviced as needed. We can accomplish this plan by dividing the City into four separate service areas that match the geographical boundaries of the four LAPD bureaus. A total of five service teams, three CSLA and two HOPE will be assigned to each service area, excluding LA River HOPE, which will service its own service area.

Recommendations

To address the highest concentration of open service requests in the highest priority areas, LASAN recommends that the Citywide Hope Team and the 5th CSLA team launched in January 2018 be focused on high priority areas with the highest concentration of open service requests Citywide.

To ensure that the CSLA teams and the HOPE teams are fully operational at all times, it is important to fill vacancies in an expeditious and timely manner. As such, LASAN will be working with the Personnel Department to obtain authorization and proceed with the continuous examining process for both these classes. In addition, the background checks for these positions should be granted equal priority as other public safety positions.

While LA Sanitation has been able to increase the levels of service with the addition of CSLA and HOPE teams, the current resources do not match the required level of effort needed for the increasing homeless population. On January 26, LASAN submitted a supplemental budget request for six CSLA teams, three HOPE teams, and four homeless encampment posting teams to enable the geographically-based service model described above. This would result in three CSLA teams, two HOPE teams, and one posting team per LAPD bureau (with one OHS team in lieu of a CSLA team in the central Bureau). The LA River Hope Team would remain separate from these geographic areas.

The LASAN recommends that the Council, subject to approval of the Mayor:

1. Authorize LASAN to deploy its Citywide HOPE team and the 5th CSLA in the areas with the highest priority and the highest concentration of open homeless encampment service requests;
2. Instruct Personnel Department to make the examining process for the following the Environmental Compliance Inspector (ECI) class and the Solid Resource Collection Truck Operator (RCTO) class a continuous examining process;
3. Instruct the Personnel Department to prioritize background checks for ECIs with other public safety positions; and

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4. Instruct LASAN to work with the City Administrative Office and the Mayor's Office of Budget and Innovation team on the FY 2018-19 supplemental budget a request to increase LASAN LEQP staff and resources to adequately manage the increased workload.

For further information, please contact me or Mr. Khalil Gharios, Acting Assistant Director at (213) 485-2210.

Attachments

ECZ:GH:AH:vg

EXHIBIT AR

CITATION_NO	ISSUE_DATE	VIOL_TIME	SEX	DESCENT	AGE	PRIME_STREET	PRIME_STREET_TYPE	CROSS_STREET
G16447	2018/02/08	12:55:00	M	W	64	LA BREA		HOLLYWOOD
H14430	2018/03/03	14:00:00	M	O	27	1770		N HIGHLAND
H17401	2018/05/01	15:20:00	M	B	58	GLADYS	AV	CENTRAL
H14639	2018/05/11	14:25:00	M	B	49	SAN PEDRO		3RD
H17593	2018/05/10	10:15:00	F	H	32	SANTEE		18TH
H55441	2018/05/10	09:25:00	F	W	35	JAMES M WOOD		110 FRWY
F04297	2018/05/11	10:20:00	F	H	44	7TH		CERES
H55506	2018/05/17	17:05:00	M	O	76	505		E 9TH
H55505	2018/05/17	16:55:00	M	O	73	850		S WALL
H54381	2018/05/15	12:45:00	M	B	72	412		E 5TH
H54384	2018/05/15	17:23:00	M	H	47	SAN PENN		9TH
H54242	2018/05/08	09:35:00	M	H	51	14TH	PL	BROADWAY
H17087	2018/05/15	15:30:00	M	B	40	4TH		CROCKER
H19829	2018/05/15	15:35:00	M	B	55	CROCKER		4TH
H41538	2018/05/15	15:25:00	F	B	40	463		E 4TH SP
F04298	2018/05/15	10:00:00	M	W	48	820		S SAN PEDRO
H55442	2018/05/15	11:00:00	F	B	24	SANTEE		16TH
H17551	2018/05/15	10:40:00	M	H	29	SANTEE		16TH
H17550	2018/05/15	08:10:00	F	H	32	LOS ANGELES		ARCADIA
H55581	2018/05/15	09:50:00	F	B	55	7TH		KOHLER
H55583	2018/05/15	15:50:00	M	B	52	CROCKER		4TH
D96585	2018/05/08	10:55:00	M	B	48	2230		W 6TH
G66558	2018/05/03	12:09:00	M	H	27	2230		W 6TH
G66551	2018/05/03	09:20:00	M	W	52	2230		W 6TH

CROSS_STREET_TYPE	VIOL_1	VIOL_2	VIOL_3	VIOL_4	VIOL_5	VIOL_6	VIOL_7
	LA41.27(H)						
AV	LA41.18(A)						
AV	LA41.18(A)						
ST	LA41.45(C)						
	LA41.18(A)						
	LA41.18(A)						
	LA41.27(C)						
ST	LA56.08(E)						
	LA41.18(A)						
ST	LA41.27(C)						
ST	LA41.27(C)						
	LA41.27(C)						
	LA41.18(A)						
	LA41.18(A)						
	LA41.18(A)						
	LA41.27(C)						
	LA41.18(A)						
	LA41.18(A)						
	LA41.18(A)						
	LA41.27(C)						
ST	LA41.18(A)						
ST	LA63.44(B)(24)						
ST	LA63.44(B)(24)						
ST	LA63.44(B)(24)						

VIOL_8	ADDRESS	CITY
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	601 S SAN PEDRO ST	LOS ANGELES
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	12333 RIDGE CIR	LOS ANGELES
	3185 DONA MARTA DR	STUDIO CITY
	601 S SAN PEDRO ST	LOS ANGELES
	601 S SAN PEDRO	LOS ANGELES
	545 S SAN PEDRO	LOS ANGELES
	515 S CROCKER ST	LOS ANGELES
	303 E 5TH ST	LOS ANGELES
	515 CROCKER ST	LOS ANGELES
	632 BARTANIA ST	LOS ANGELES
	1942 TRANSIENT	UNKNOWN
	601 S SAN PEDRO ST	LOS ANGELES
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	1942 TRANSIENT	UNKNOWN
	501 S SPRING ST APT 1021	LOS ANGELES

[illegible]

CTY020221

RPT_ID	ARST_DATE	ARST_TM	RPT_DIST_NBR	ARST_CHRG_CD	ARST_TYP_CD	CHRG_DESC
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160218278	2016/10/04	06:40:00	0212	56.11.7LAMC	I	
160214927	2016/08/02	07:50:00	0261	56.11.9LAMC	I	
160210167	2016/05/01	13:05:00	0245	56.11.8	I	
161423851	2016/09/19	10:30:00	1441	56.11.7.LAMC	M	
160511252	2016/06/04	08:55:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511200	2016/06/02	06:45:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511434	2016/06/06	19:00:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160218280	2016/10/04	06:40:00	0215	56.11.3(D)LA	I	
160511596	2016/06/11	06:30:00	0567	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511960	2016/06/16	14:50:00	0541	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511598	2016/06/11	06:20:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
161110174	2016/05/05	17:45:00	1162	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511204	2016/06/02	06:30:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511435	2016/06/06	19:00:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160218283	2016/10/04	07:15:00	0215	56.11.3(D)LA	I	
160218693	2016/10/11	17:30:00	0249	56.11.7LAMC	I	
160511205	2016/06/02	06:30:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160511206	2016/06/02	06:30:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160518740	2016/11/14	10:00:00	0503	56.11(B)LAMC	M	
160511436	2016/06/06	19:00:00	0566	56.11LAMC	M	LEAVING PERSONAL PROP ON SIDEWALK
160218285	2016/10/04	06:55:00	0215	56.11.3(D)LA	I	
162017719	2016/09/28	12:00:00	2039	56.11(10)(B)	M	

STR_NBR	STR_DIR_CD	STR_NM	STR_TYP_CD	CRS_STR_DIR_CD	CRS_STR_NM	CRS_STR_TYP_CD
251	W	8TH	ST			
		HOOVER			JOHN	
		PARK VIEW	ST		7TH	ST
		ALVARADO	ST		WILSHIRE	BL
	S	VENICE			STRONGS	DR
		8TH	ST		PALOS VERDES	ST
		8TH	ST		ANTE PERKOV	WY
251	W	8TH	ST			
		HOOVER			101 FRWY	
1130	S	BEACON	ST			
		CABRILLO			MIRAFLORES	
		12TH			BEACON	
		HOOVER			GATEWAY	
		8TH	ST		BEACON	ST
251	W	8TH	ST			
300	N	HOOVER	ST			
		6TH			BEAUDRY	
		8TH	ST		BEACON	ST
		8TH	ST		BEACON	ST
		182ND	ST		VERMONT	AV
251	W	8TH	ST			
300	N	HOOVER	ST			
		SUNSET	PL		HOOVER	

KEY_NM_TXT

TURNER, ANNE TERESA

SHABAZZ, LENNEL KHABIR

RAMIREZ, ALBERTO LUNA

MALONE, MICHAEL

DANNENBAUN, REBECCA ADELE

TURNER, ANNE THERESE

DENISON, MICHELLE LANDIS

MORTIMER, THOMAS FRANCIS

LASOYA, RAYMOND DAVID

HOLMES, CLIFTON WAYNE

STONE, BRYAN DOUGLAS

GRUNER, MARK ELLIS

FOCHT, GLEN LEE

MORTIMER, THOMAS FRANCIS

ESQUIVEL, TONY JR

GARCIA, VALENTINE MANUEL

COLEBAR, ANTHONY

MYERS, QUEENIE

VIGIL, DWAYNE

ROACH, AMY

GRUNER, MARK ELLIS

VALLE, ALEXIS STEFANIE

CHAVEZ, MIGUEL

EXHIBIT AS

Id	Number	AssociatedServiceRequestNumber	DateCreated	DateApproved	ExpirationDate
4212	180102002	1-861819461	1/2/18	2/9/18	5/10/18
4213	180102003	1-823425503	1/2/18	NULL	NULL
4214	180102004	1-719119101	1/2/18	1/18/18	4/18/18
4215	180102005	1-829181841	1/2/18	1/11/18	4/11/18
4216	180102006	1-622398463	1/2/18	NULL	NULL
4217	180102007	1-825782801	1/2/18	2/6/18	5/7/18
4218	180102008	1-870918981	1/2/18	2/5/18	5/6/18
4219	180102009	1-869628951	1/2/18	2/5/18	5/6/18
4220	180102010	1-865848991	1/2/18	NULL	NULL
4221	180102011	1-864285781	1/2/18	2/28/18	5/29/18
4222	180103001	1-783195820	1/3/18	NULL	NULL
4223	180103002	1-860019841	1/3/18	NULL	NULL
4224	180103003	1-708695397	1/3/18	NULL	NULL
4225	180103004	1-834676871	1/3/18	NULL	NULL
4226	180103005	1-622575971	1/3/18	1/8/18	4/8/18
4227	180103006	1-646180651	1/3/18	NULL	NULL
4228	180103007	1-709000700	1/3/18	NULL	NULL
4229	180103008	1-870457251	1/3/18	2/1/18	5/2/18
4230	180103009	1-870912921	1/3/18	5/21/18	8/19/18
4231	180103010	1-855018687	1/3/18	NULL	NULL
4232	180103011	1-862093401	1/3/18	4/10/18	7/9/18
4233	180103012	1-851486041	1/3/18	5/14/18	8/12/18
4234	180103013	1-863470001	1/3/18	NULL	NULL
4235	180103014	1-861387201	1/3/18	NULL	NULL
4236	180103015	1-872085581	1/3/18	5/9/18	8/7/18

Address	City	ZipCode
933 S GRATTAN ST, 90015	Los Angeles	90015
ROSEWOOD AVE AT LA BREA AVE, 90036	Los Angeles	90036
3716 W PICO BLVD, 90019	Los Angeles	90019
945 E PALMS BLVD, 90291	Los Angeles	90291
501 E MILWOOD AVE, 90291	Los Angeles	90291
14455 W AETNA ST, 91401	Los Angeles	91401
19632 LEADWELL ST, 91335	Los Angeles	91335
7219 N LOMA VERDE AVE, 91303	Los Angeles	91303
6719 N SEPULVEDA BLVD, 91411	Los Angeles	91411
6943 N HASKELL AVE, 91406	Los Angeles	91406
6205 W WILSHIRE BLVD, 90048	Los Angeles	90048
VERMONT AVE AT COUNCIL ST, 90004	Los Angeles	90004
123 W ANN ST, 90012	Los Angeles	90012
4303 N FIGUEROA ST, 90065	Los Angeles	90065
2078 S COMPTON AVE, 90011	Los Angeles	90011
245 S LOS ANGELES ST, 90012	Los Angeles	90012
157 S UTAH ST, 90033	Los Angeles	90033
AVENUE 61 AT FIGUEROA ST, 90042	Los Angeles	90042
6210 N FIGUEROA ST, 90042	Los Angeles	90042
MARENGO ST AT FICKETT ST, 90033	Los Angeles	00:00.0
1122 N COLE AVE, 90038	Los Angeles	90038
2900 COLORADO BLVD, 90041	Los Angeles	90041
1651 NAOMI AVE, 90021	Los Angeles	00:00.0
5250 W HOLLYWOOD BLVD, 90027	Los Angeles	90027
1234 N NEW HAMPSHIRE AVE, 90029	Los Angeles	90029

CrossStreet	CouncilDistrict
W 9TH ST/W OLYMPIC BLVD	1
LA BREA AVE	5
4TH AVE	10
LINCOLN BLVD	11
ELECTRIC AVE	11
TYRONE AVE	6
W LEADWELL ST, BETWEEN COBIN AND SHIRLEY	3
BETWEEN INDEPENDENCE AND DE SOTO	3
VANOWEN ST	6
HART ST	6
S CRESCENT HEIGHTS BLVD	5
COUNCIL ST	13
NAUD ST	1
E AVENUE 43	1
E 21ST ST	9
E 2ND ST	14
MONO ST	14
FIGUEROA ST	1
YORK BLVD	14
FICKETT ST	14
SANTA MONICA BLVD/LEXINGTON AVE	13
EAGLEDALE AVE/ EL VERANO AVE	14
10 FWY/ 17TH ST	14
HARVARD BLVD/ KINGSLEY DR	13
LEXINGTON AVE/ FOUNTAIN AVE	13

IsAlley	IsPublicArea	APREC
0	0	RAMPART
1	0	WILSHIRE
1	00:00.0	WILSHIRE
0	0	PACIFIC
0	0	PACIFIC
0	0	VAN NUYS
0	0	WEST VALLEY
1	0	TOPANGA
0	0	VAN NUYS
0	0	WEST VALLEY
0	0	WILSHIRE
1	0	OLYMPIC
0	0	CENTRAL
0	0	NORTHEAST
0	0	NEWTON
0	0	CENTRAL
0	0	HOLLENBECK
0	0	NORTHEAST
0	0	NORTHEAST
0	0	HOLLENBECK
0	0	HOLLYWOOD
0	0	NORTHEAST
0	0	NEWTON
0	0	HOLLYWOOD
1	0	NORTHEAST

LocationComments
Dirty abandoned, smelly itens along side of 933 S. Grattan St. Foul smells of urine, feces. Dirty clothes, abandoned shopping carts. HE set up against building, poss
HE located in alley. Multiple reports of various HE in surrounding block as well.
Illegally dumped items/trash in alley between 4th and 5th avenues.
HE LOCATED ALONG SIDEWALK
HE LOCATED ON SIDEWALK. HE here at a location 4 people bikes trash bulky need post 1 to 2 hour 2 tons some hazard urine fesis smell level 2 encampment
HE LOCATED ON SIDEWALK
NULL
NULL
Multiple HE located along sidewakl
HE located on street
HE LOCATED ON SIDEWALK
HE located in alley
HE LOCATED AGAINST BUILDING on sidewalk
HE LOCATED ON SIDEWALK
It is right across the street from 2078 compton ave, there is a homeless camp site there, they have trailers filled with trash, and ilegal stuff going on!
HE LOCATE ON SIDEWALK
HE LOCATED ON SIDEWALK
across street from Highland Park Recreational Center
HE located on sidewalk
HE LOCATED ALONG SIDEWALK
NULL
HE's located under the freeways. Another encampment also located at the exit of the FWY By Target shopping center. Please check the whole area.
HE's located under the 10 FWY and surrounding areas
Between North Harvard Blvd and Hobart Blvd. South side of Hollywood Blvd. Homeless encampment on side walk.
REAR ALLEY WAY

SubmittedBy	ReportingPerson	RPContactNo
Leon Ho	han lee	818-913-1455
Leon Ho		NULL
Leon Ho		NULL
Leon Ho		NULL
Leon Ho	Bruce Campbell	310-396-7112
Leon Ho	Nicholas Edwards	702-350-5182
Jose Garcia		NULL
Jose Garcia	anon	NULL
Leon Ho		NULL
Leon Ho	laura mamager	818-815-8874
Leon Ho		NULL
Leon Ho	jin bae	213-304-5939
Leon Ho	simon ong	626-537-5999
Leon Ho	anon	NULL
Leon Ho		NULL
Leon Ho	Louisa Sasi	714-235-0312
Leon Ho		NULL
Leon Ho	mary	626-429-1866
Leon Ho		NULL
Leon Ho		NULL
Diana Gonzalez		NULL
Diana Gonzalez	Beatriz Audelo	323-807-4686
Diana Gonzalez	diana	213-785-4029
Diana Gonzalez		NULL
Diana Gonzalez		NULL

HEAssessmentDetails	AssessmentLocationDescription	AnchorPhotos	IsUrgent	IsNearSchool	DateCompleted	IsExpNotificated
NULL	NULL	NULL	0	1	5/9/18	0
NULL	NULL	NULL	0	1	1/22/18	0
NULL	NULL	NULL	0	0	2/5/18	0
NULL	NULL	NULL	0	1	1/23/18	0
NULL	NULL	NULL	0	0	1/11/18	0
NULL	NULL	NULL	0	0	2/8/18	0
NULL	NULL	NULL	0	1	2/6/18	0
NULL	NULL	NULL	0	0	2/6/18	0
NULL	NULL	NULL	0	1	3/12/18	0
NULL	NULL	NULL	0	1	3/12/18	0
NULL	NULL	NULL	0	1	1/22/18	0
NULL	NULL	NULL	0	1	5/31/18	0
NULL	NULL	NULL	0	1	1/23/18	0
NULL	NULL	NULL	0	0	1/8/18	0
NULL	NULL	NULL	0	0	NULL	1
NULL	NULL	NULL	0	1	1/25/18	0
NULL	NULL	NULL	0	1	2/5/18	0
NULL	NULL	NULL	0	1	3/9/18	0
NULL	NULL	NULL	0	1	5/23/18	0
NULL	NULL	NULL	0	1	1/25/18	0
NULL	NULL	NULL	0	1	4/12/18	0
NULL	NULL	NULL	0	1	5/15/18	0
NULL	NULL	NULL	0	1	4/10/18	0
NULL	NULL	NULL	0	0	1/26/18	0
NULL	NULL	NULL	0	1	5/10/18	0

[illegible]

EXHIBIT AT

Request #18-1895

☒ CLOSED

As of March 15, 2021, 5:02pm

Details

All reports, data analysis, or statistics generated by the Homeless Outreach and Proactive Engagement (HOPE) teams, including but not limited to all reports of the metrics referenced on the third page of the Los Angeles Police Department HOPE Team Special Study, which was prepared by the Los Angeles Police Department and submitted to the Homelessness and Poverty Committee of the City Council on February 8, 2017, and which refers to “metrics that will be reported out by the 20th of the following month to the Mayor and Council Offices”:

- Number of calls responded to by the HOPE Team by type
- Number of incidents where the HOPE Team advised patrol officers by type
- Number of residents who were connected to at least one service

[+ Read more](#)

Received

July 26, 2018 via web

Departments

Police Department (LAPD)

Documents

[3rd Quarter 2017 Report Homeless.pdf](#)

[BOPC 2017 1Q Homeless Report.pdf](#)

[Document titled LAPD HOPE TEAM Special Study 02-06-17.pdf](#)

[2018 1Q Report BPC 18-0174.pdf](#)

[2nd Quarter 2017 Report Homeless .pdf](#)

[HOPE Fact Sheet \(1\).pdf](#)

[2017 YEAR END REPORT, BPC 18-0091.pdf](#)

[2017 YEAR END REPORT, BPC 18-0091.pdf](#)

[HOPE Mayor Garcetti Document.pdf](#)

Staff

Point of Contact

Senior Management Analyst Kris

Timeline

Request Published

Public

December 21, 2018, 9:44am

Request Closed

Public

Dear Requester:

I have reviewed your request for records, and the responsive documents have been provided to you. According to LAPD's Office of Operations, the HOPE Team statistics were largely compiled by the Mayor's Office. You may wish to contact them for additional information.

If you have any questions concerning this correspondence, please respond to this email.

Respectfully,

LAPD CPRA Unit

September 11, 2018, 2:19pm

Document(s) Released

Public

2nd Quarter 2017 Report Homeless .pdf

September 11, 2018, 2:06pm

Document(s) Released

Public

3rd Quarter 2017 Report Homeless.pdf

September 11, 2018, 2:06pm

Document(s) Released

Public

2017 YEAR END REPORT, BPC_18-0091.pdf

September 11, 2018, 2:06pm

Document(s) Released

Public

2018 1Q Report BPC_18-0174.pdf #:6752

September 11, 2018, 2:05pm

Document(s) Released

Public

Document titled LAPD HOPE TEAM Special Study 02-06-17.pdf

September 11, 2018, 2:05pm

Document(s) Released

Public

BOPC 2017 1Q Homeless Report.pdf

September 11, 2018, 2:04pm

Document(s) Released

Public

HOPE Mayor Garcetti Document.pdf

September 11, 2018, 2:03pm

Document(s) Released

Public

HOPE Fact Sheet (1).pdf

September 11, 2018, 2:03pm

Document(s) Released

Public

2017 YEAR END REPORT, BPC_18-0091.pdf

September 11, 2018, 2:02pm

Document(s) Released

Public

August 28, 2018, 8:22am

External Message

Public

Dear Requester:

The Office of Operations is working on compiling the information you've requested. They anticipate submitting it to me by the end of the week, so you can expect a substantive response early next week. I apologize for the delay.

Respectfully,

LAPD Discovery Section, CPRA Unit

August 21, 2018, 12:14pm by Senior Management Analyst Kris (Staff)

External Message

Public

Thank you for correcting the request email. I will presume that this is the outstanding request and that all further correspondence will be sent to this email. Please send me the July 31, 2018 letter regarding the 14 day extension.

August 6, 2018, 11:33am by the requester

External Message

Public

Your email address has been corrected on your request.

August 6, 2018, 8:54am by Senior Management Analyst Kris (Staff)

Due Date Changed

Public

08/20/2018 (was 08/06/2018). 14 day extension letter sent.

July 31, 2018, 11:28am

External Message

Public

Dear Requester:

I have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, simply respond to this email.

Very Truly Yours,

LAPD Discovery Section CPRA Unit

July 31, 2018, 11:28am by Senior Management Analyst Kris (Staff)

Department Assignment

Public

Police Department (LAPD)

July 26, 2018, 3:06pm

Request Opened

Public

Request received via web

July 26, 2018, 3:06pm

INTRADEPARTMENTAL CORRESPONDENCE

February 28, 2018

1.4

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: THE LOS ANGELES POLICE DEPARTMENT'S 2017 YEAR-END REPORT
ON HOMELESSNESS

RECOMMENDED ACTIONS

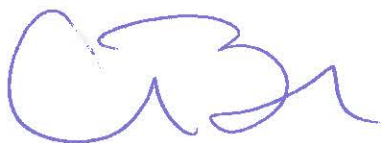
1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached report titled *The Los Angeles Police Department's 2017 Year-End Report on Homelessness*.

DISCUSSION

The Los Angeles Police Department (LAPD) in keeping with the City of Los Angeles' (City) priority to address the homeless crisis presents *The 2017 Year-End Report on Homelessness*. This report conveys the efforts of the LAPD to support the City's 2016 Executive Directive No. 16, Implementation of the Comprehensive Homeless Strategy. The City's *Comprehensive Homeless Strategy* (Homeless Strategy) is a Citywide coordinated response with long and short-term commitments, and focus. The Homeless Strategy provides the LAPD and its partners, with the framework for the appropriate role, collaboration, and response to the multi-faceted homeless crisis. The *2017 Year-End Report on Homelessness* reflects the LAPD's work to end the homeless crisis in accordance with the roles and responsibilities articulated by the City's Homeless Strategy.

If additional information regarding this report, please contact Commander Dominic H. Choi, Homeless Department Coordinator, Operations-Central Bureau, at (213) 833-3735.

Respectfully,

A handwritten signature in blue ink, appearing to be 'C. Beck', written over a light blue circular stamp.

CHARLIE BECK
Chief of Police

Attachment



The Los Angeles Police Department's 2017 Year-End Report on Homelessness

CHARLIE BECK
Chief of Police

March 6, 2018

***THE LOS ANGELES POLICE DEPARTMENT'S 2017 YEAR-END REPORT
ON HOMELESSNESS***

I. PURPOSE

The Los Angeles Police Department (Department) in keeping with the City of Los Angeles' (City) priority to address the homeless crisis presents *The 2017 Year-End Report on Homelessness*. This end of the year report conveys the efforts of the Department to support the City's 2016 Executive Directive No. 16, "Implementation of the Comprehensive Homeless Strategy".¹ The City's *Comprehensive Homeless Strategy* (Homeless Strategy)² is a Citywide coordinated response with long and short-term commitments, and focus. The Homeless Strategy provides the Department and its partners, with the framework for the appropriate role, collaboration, and response to the multi-faceted homeless crisis. The *2017 Year-End Report on Homelessness* reflects the Department's work to end the homeless crisis in accordance with the roles and responsibilities articulated by the City's Homeless Strategy.³

II. IMPLEMENTATION OF THE CITY'S HOMELESS STRATEGY

Homelessness directly and indirectly impacts all people the Department serves. Advancing the City's Homeless Strategy is a priority for the Department. It is the Department's policy to protect the rights of all individuals in the City, regardless of their housing status and assist those in need while fairly enforcing the law. It is the posture of the Department to seek voluntary compliance with the law when possible while resorting to taking enforcement action in more aggravated circumstances or as a matter of a last resort.

The City's Homeless Strategy designates a "No Wrong Door"⁴ approach, whereby any interaction with City staff by a homeless person can connect the individual to services. Often as the first point of contact for homeless individuals, the Department is positioned to connect the homeless with the appropriate City services.

¹ City of Los Angeles, "Implementation of the Comprehensive City Strategy," April 26, 2016, [https://www.lamayor.org/sites/g/files/wph446/f/page/file/ED%2016%20-%20Implementation%20of%20the%20Comprehensive%20Homeless%20Strategy%20\(1\).pdf](https://www.lamayor.org/sites/g/files/wph446/f/page/file/ED%2016%20-%20Implementation%20of%20the%20Comprehensive%20Homeless%20Strategy%20(1).pdf)

² City of Los Angeles, Homeless Comprehensive Strategy, February 10, 2016, http://clkrep.lacity.org/online/docs/2015/15-1138-S1_misc_1-7-16.pdf

³ City of Los Angeles, <https://www.lamayor.org/homelessness> Mayor Eric Garcetti, "Homelessness is the moral issue of our time. We are not here to address homelessness... or manage homelessness... or reduce homelessness... we are here to end homeless once and for all."

⁴ A "No Wrong Door" approach is a reference to the approach coined by the COLA, which means that there is no wrong door for a homeless person to connect to services regardless of which Department's door the person enters. Executive Directive No. 16, April 29, 2016 "Implementation of the Comprehensive Homeless Strategy."

***THE LOS ANGELES POLICE DEPARTMENT'S 2017 YEAR-END REPORT
ON HOMELESSNESS***

**III. ORGANIZATIONAL CHANGES IN SUPPORT OF THE CITY'S
HOMELESS STRATEGY**

The following section corresponds to the Department's organizational changes which support the City's Homeless Strategy. This section includes those resources that the Department has implemented for homeless outreach and enforcement.

a. HOMELESS OUTREACH AND PROACTIVE ENGAGEMENT (HOPE)

The City's Homeless Strategy recommended that first responders and city services coordinate a thoughtful, consistent response to homelessness assuring that no matter which government door a homeless individual entered, they would be connected to social services, medical, and housing resources. Subsequently, the Homeless Outreach and Proactive Engagement (HOPE) first responder tripartite was created, consisting of the Los Angeles Homeless Service Authority (LAHSA), the Los Angeles Public Works' Bureau of Sanitation (LASAN), and the Department. Citywide HOPE teams began to launch in early 2016.

By January 2017, all four Department HOPE Units were operating in the Department's four bureaus: Operations-Central Bureau (OCB), Operations-South Bureau (OSB), Operations-West Bureau (OWB), and Operations-Valley Bureau (OVB). The Department's HOPE Units respond to the complex and diverse needs of individuals who are experiencing homelessness. By working in conjunction with LAHSA and LASAN dedicated resources, HOPE Units strive to assure individuals experiencing homelessness are connected to the appropriate services. This effort includes responding to quality of life issues that arise among homeless individuals, as well as neighborhood issues and concerns.

**b. RESOURCES ENHANCEMENT AND SERVICES ENFORCEMENT
TEAM (RESET)**

The Resources Enhancement Services Enforcement Team's (RESET) mission and data capture became standardized with the Department's work to end homelessness in August of 2017. The RESET Unit is tasked with the deployment of resources, homeless outreach, and enforcement within a 54-square block (3.4 miles) area known as Skid Row. The unit is tasked with the following mission directives in the Skid Row area; crime suppression, LAMC ordinance violations, Penal Code violations, Health & Safety Code violations, California Vehicle Code, Business & Professional Code, and crime deterrence through high visibility patrols. Resources Enhancement Services Enforcement Teams also supports LASAN's Operation Healthy Street Clean Up. The mission of RESET is a fine balance of crime suppression, problem solving and homeless outreach. The work of RESET is key to reducing the incidences of crime and fear in Skid Row.

***THE LOS ANGELES POLICE DEPARTMENT'S 2017 YEAR-END REPORT
ON HOMELESSNESS***

c. COMPSTAT

In 2016, the Department incorporated its work with the homeless crisis into its problem-solving process, COMPSTAT. Currently, the Department schedules COMPSTAT three times a year for homelessness. The objective for designating the homeless crisis as a dedicated COMPSTAT session is to continue identifying concerns, and to expeditiously and effectively formulate and carry out solutions, while analyzing results for effectiveness.

The Department's partners are also invited to participate in COMPSTAT following the four COMPSTAT principles: 1) accurate and timely intelligence, 2) effective tactics, 3) rapid deployment, and 4) relentless follow-up and assessment.

d. CENTCOM

Since September of 2017, the Department has been participating in Central Communication (CENTCOM), the Mayor's data-driven, problem-solving framework designed to improve the efficacy and impact of services provided to Angelenos City-wide. Central Communication uses statistical information and near real-time intelligence to evaluate City departments and rapidly deploy resources and assets. The primary focus of CENTCOM currently is unsheltered homelessness; it is the City's single biggest challenge and the Mayor's top priority. The Mayor established CENTCOM in support of his goal of reducing the population of unsheltered Angelenos by 50 percent in five years.

Through CENTCOM, as well as the Office of Economic Opportunity and Office of Economic Development, the Mayor's Office is exploring alternative forms of housing and shelter for individuals or families experiencing homelessness, these range from modified villages of tiny homes to modular, temporary communities to emergency tents.

The first such emergency project is on Lot 5 in El Pueblo. The Mayor's Office, in partnership with Council District 14, El Pueblo, the City Attorney's Office, LAHSA, City Administrative Officer (CAO), and other City departments identified Lot 5 as suitable to establish temporary facilities to provide emergency shelter beds, storage, personal hygiene facilities, supportive services, and community engagement services for up to 60 single, adult homeless men and women. The site will also have 24-hour security, with controlled access. Ongoing services will be managed by a non-profit service provider under contract with LAHSA. Funding for the project is from savings from the City's Fiscal Year 2016-17 LAHSA budget.

The Mayor's Office has also been working with LAHSA, LASAN and the Department to increase services to El Pueblo. These include, but are not limited to, increased foot beats and assigning a dedicated Senior Lead Officer to El Pueblo, daily outreach in the area by LAHSA workers, weekly engagements by the Operations-Central Bureau HOPE Team, weekly comprehensive clean-ups, installing sharps receptacles on site, and expanding needle exchange and HIV and Hepatitis A testing services through the City's AIDS Coordinator's Office.

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In 2018, CENTCOM has expanded its areas of focus to include homelessness in Hollywood and the Los Angeles River.

e. RESOURCES

The Homeless Strategy includes a concerted multi-faceted response, which includes the following partners:

- Office of the Mayor – CENTCOM;
- LASAN for LAMC 56.11 compliance and enforcement;
- LAHSA for shelter, placement, and all service needs of homeless individuals;
- The City Attorney's Office for the Homeless Court Citation Clinic (HEART) for citation relief and services;
- The Department of Mental Health for any case that does not meet the response or requirements of the Mental Evaluation Unit;
- Gang Reduction and Youth Development (GRYD) a "no wrong door" partner who is available to address gang violence in a comprehensive and coordinated effort. Presently, GRYD accepts direct referrals from LAHSA and LAPD Hope Units, and when eligible, a homeless individual may be co-enrolled in LAHSA and GYRD services; and,
- The LAPD's Systemwide Mental Assessment Response Team (SMART) to prevent unnecessary incarceration and/or hospitalization, provide alternate care in the least restrictive environment and to support patrol. The SMART Unit consists of a specially trained LAPD officer and a clinician from the Los Angeles County Department of Mental Health. Systemwide Mental Assessment Response Teams respond to mental illness calls in support of patrol operations, provide guidance to field officers during mental illness investigations and respond to critical incidents involving persons suffering from mental illness.

IV. MEASURABLE RESULTS⁵

Measurable results are imperative in demonstrating and shaping the forward momentum of the Homeless Strategy. In 2017, the Department commenced dedicated efforts to assure data points in its role to end homelessness were captured. This report is the first year-end report on the state of the LAPD's role and responsibilities for the Homeless Strategy.

⁵ Data Methodology: All data gathered for this report has been obtained through multiple resources including internal LAPD divisions and City partner resources. A data plan was created for this report to assure data is replicable. Data contributions include Department entities which capture and maintain data in keeping with their role in the organization including, but not limited to Force Investigation Division, COMPSTAT Division, Use of Force Review Division, and Operations- Central Bureau.

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As of January 1, 2017, the California Department of Finance approximated the City of Los Angeles' population to be 4,041,707. During the last week of January 2017, a homeless count was performed by LAHSA finding 34,189 homeless individuals living within the City of Los Angeles.⁶ The LAHSA count of 2017 reflected a total of 8,952 sheltered homeless and 25,237 unsheltered homeless. Based on these counts, homeless individuals represent approximately 1 percent of all Angelenos in 2017. In comparison, the LAHSA homeless count of 2016 showed a total count of 28,464 homeless individuals. This total count captured 7,126 sheltered homeless, and 21,338 unsheltered homeless. The LAHSA count represents a 20 percent increase from the year 2016 to 2017.

The following sections of this report present the data associated with the victimization of persons experiencing homelessness, arrests of homeless individuals, incidents of field request to the LAPD's mental evaluation unit related to homeless individuals, uses of force involving homeless individuals, dedicated Department homeless outreach and enforcement, and the efforts of the Department's partners.

V. VICTIMIZATION OF THE HOMELESS

In 2017, there were 1,716 instances involving an individual identified as experiencing homeless as a victim of a Part I crime, compared to 1,509 the previous year, a 14 percent increase. Nearly 80 percent of the total Part I crimes were crimes of violence. The Department believes an unknown portion of the reported increase is directly attributed to the growing awareness by Department personnel of the involvement of individuals experiencing homelessness as a victim, witness, or offender. As in all crime reporting statistics the Department is aware that in many crime categories there exists an under reporting of occurrences to the police.

VI. ARRESTS OF HOMELESS INDIVIDUALS

a. FELONY ARREST

Felony arrests consist of warrants and open charges. There were 6,477 homeless felony arrests in 2017 compared to 5,786 the previous year, an increase of 12 percent. The most significant increases in arrests were for robbery, aggravated assaults, burglary, and grand theft auto. Here again, the Department believes an unknown portion of the reported increase is directly attributed to the growing awareness by Department personnel of the involvement of individuals experiencing homelessness as a victim, witness or offender.

⁶ January 2017: Los Angeles Homeless Service Authority (LAHSA), <https://www.lahsa.org/homeless-count/reports>

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b. MISDEMEANOR ARREST

Misdemeanor arrests consist of open charges and failure to appear warrants. There were 6,652 homeless misdemeanor arrests in 2017 compared to 6,106 the previous year, an increase of nine percent.⁷ The most significant increases in arrests were for trespassing (+477) and narcotics (+154). A trespassing arrest is initiated by a call for service by a private person or posted signage, when the trespassing party refuses to leave. In 2015, Californians approved Proposition 47 which reduced the classification of most non-serious and nonviolent drug crimes from a felony to misdemeanor, subsequently increasing the number of misdemeanor arrest for narcotics in 2017.

c. RELEASE FROM CUSTODY CITATIONS

There were 7,854 Release from Custody (RFC) citations of homeless individuals in 2017 compared to 7,146 the previous year, an increase of ten percent. The increase is primarily attributed to citations for 56.11 LAMC, storage of personal property, and 41.18 (D) LAMC, sleeping on the sidewalk. In 2016, at the onset of HOPE units, the Department significantly increased outreach and education for homeless individuals. After months of these efforts, officers received training to enforce LAMC ordinances. In 2017, officers began to more actively enforce ordinances with the most non-compliant individuals experiencing homelessness.

d. PERSONAL SERVICE CITATIONS

Homeless individuals received a total of 1,918 personal service citations in 2017 compared to 1,855 in 2016, a three percent increase.

VII. MENTAL EVALUATION UNIT INCIDENTS⁸

In 2017, the Department responded to 24,133 requests for a mental evaluation by a SMART team. A total of 6,325 of these involved a homeless individual, accounting for 26 percent of all SMART team request citywide with more than 50 percent of these encounters resulting in a 5150WIC commitment.

⁷ Misdemeanor arrests captured in this data focuses only on physical bookings and failure to appear warrants.

⁸ The Mental Evaluation Unit began collecting data pertaining to incidents involving the homeless in 2017, therefore there is no data captured in 2016 to compare.

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VIII. USES OF FORCE INVOLVING THE HOMELESS⁹

In 2017, Department wide the number of public contacts increased by six percent. This was a year over year increase from 1,564,701 department wide contacts in 2016 to 1,661,142 in 2017.¹⁰ The Department was involved in a total of 2,178 reportable uses of force (UOF) in 2017, compared to the 1,983 reportable UOF in 2016, a ten percent increase.¹¹ These UOF include both categorical and non-categorical uses of force.¹² Nearly all of the increased number of reportable UOF involved individuals identified as experiencing homelessness and in the Non-Categorical Use of Force category. Categorical Use of Force incidents involving individuals experiencing homelessness were reduced from 10 incidents to 7.

In 2017, the number of UOF involving homeless individuals totaled 611, accounting for 28 percent of all uses of force citywide in 2017. The total number of UOF involving homeless individuals increased from 513 UOF in 2016, to 611 in 2017, a 19 percent increase.¹³

⁹ All Categorical UOF descriptions that follow *do not include* animal shootings or unintentional shootings. These categories have been excluded as they do not involve humans.

¹⁰ The number of public contacts was sourced by COMPSTAT on January 8, 2018. Currently, the Department does not capture all homeless contacts.

¹¹ This data was source from Force Investigative Division, Use of Force Review Division, and COMPSTAT. Specifically, the 2017 categorical uses of force were based on a data pull on January 25, 2018. Non-categorical use of force data was sourced on January 29, 2018, February 2, 2018, February 5, 2018, and February 8, 2018. *All use of force data is subject to changes until the investigation is complete.*

¹² A *categorical* use of force is an incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee; All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold; All deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody Death or ICD); A use of force incident resulting in death; A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a Law Enforcement Related Injury Investigation, or LERII; All intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and all unintentional (inadvertent or accidental) head strikes that result in serious bodily injury, hospitalization or death. Officer involved animal shootings; Tactical and non-tactical unintentional discharges; An incident in which a member of the public has contact with a Department canine and hospitalization is required. Under Department policy, a canine contact is not a UOF but has been included in this category to satisfy the provisions of the Consent Decree; and, Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit. All other reportable UOF incidents, including the discharge of a TASER, the use of a chemical irritant control device, or all unintentional (inadvertent or accidental) head strikes with an impact weapon or device which do not result in serious bodily injury, hospitalization or death which have been approved to be handled as a Level I Non-Categorical Use of Force (NCUOF) by the Commanding Officer. CO), FID, are classified as NCUOF incidents. *Non-categorical* use of force is defined as an incident in which any on-duty Department employee, or off-duty employee whose occupation as a Department employee is a factor, uses a less-lethal control device or physical force to compel a person to comply with the employee's direction, overcome resistance of a person during an arrest or a detention, or defend any individual from an aggressive action by another person.

¹³ The Department was directed by the Board of Police Commissioner to track homeless data for suspects involved in UOF incidents starting in 2016. Therefore, the total number of uses of force in 2016 accounts for a change in methodology mid-year. In 2017, data tracked by Force Investigative Division and Use of Force Division became standardized at the request of the BOPC.

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a. Non-Categorical Uses of Force

In 2017, the total number of non-categorical uses of force (NCUOF) citywide was 2,117 compared to the 1,925 NCUOF in 2016, representing a ten percent increase. Non-categorical uses of force involving homeless individuals accounted for 604 or 29 percent of all NCUOF in 2017. In comparison, the Department was involved in 503 NCUOF involving homeless individuals in 2016. The year over year represented a 20 percent increase of NCUOF involving homeless individuals.

In 2017, homeless outreach units were involved in 33 NCUOF, less than two percent of all NCUOF. Specifically, HOPE Units were involved in eight or less than one percent of all NCUOF in 2017.¹⁴ While, the RESET Units were involved in 25 or one percent of all NCUOF. In comparison, RESET Units were involved in 27 NCUOF in 2016.¹⁵

b. Categorical Uses of Force

In 2017, the Department had 61 categorical uses of force (CUOF) and seven or 11 percent of those CUOF involved homeless individuals citywide. While in 2016, the Department had a total of 58 UOF citywide, where ten or 17 percent of these categorical UOF involved homeless individuals. This was a year to year decrease of five percent of the total CUOF citywide. There was one CUOF involving a homeless individual by a RESET unit in 2017, compared to 2016 with zero CUOF.^{16, 17}

IX. DEDICATED DEPARTMENT HOMELESS OUTREACH AND ENFORCEMENT

a. HOPE UNITS

The HOPE teams are a partnership that includes the LAPD, LAHSA and LASAN. The partnership's objective is to deploy dedicated, flexible teams to improve the outcomes for unsheltered homeless individuals through increased linkages and engagement, enhance public health and safety, and support communities across the City by keeping public areas clean, safe, and accessible. Department personnel assigned to HOPE are tasked with providing primary protection during LASAN's rapid response team operations, code enforcement of LAMC 56.11 and homeless outreach in conjunction with LAHSA. The

¹⁴ There is no UOF data for HOPE Units in 2016 as they were not fully operationalized.

¹⁵ RESET Units uses of force do not exclusively involve homeless individuals.

¹⁶ The Department was directed by the Board of Police Commissioner to track homeless data for suspects involved in CUOF incidents starting in 2016.

¹⁷ FID F025-17, This categorical use of force was an officer involved shooting.

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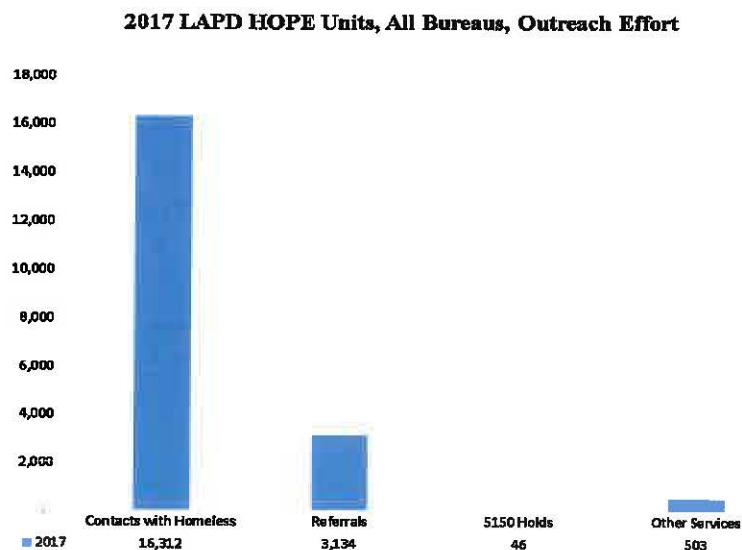
HOPE teams are comprised of four Sergeants and 38 Police Officers assigned to the four geographic bureaus: OCB, OSB, OWB, and OVB.

i. DATA: HOPE OUTREACH AND ENFORCEMENT EFFORTS

The HOPE Units from all four bureaus had approximately 16,312 contacts with persons experiencing homelessness in 2017.¹⁸

Chart 1 and Chart 2 provides an overview of outreach and enforcement efforts by all HOPE in 2017, captured in quarters and by outreach type. Less than 1 in ten contacts by the HOPE Units with persons experiencing homelessness resulted in an enforcement action (9 percent).

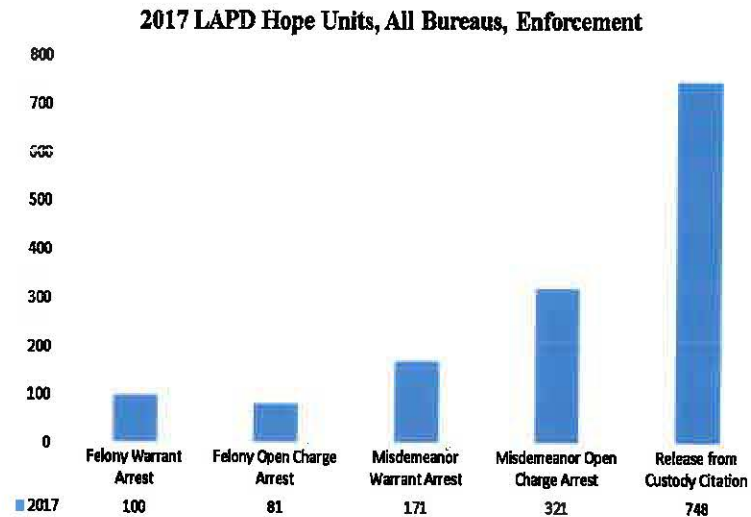
Chart 1- 2017 HOPE Units, All Bureaus, Outreach Effort



¹⁸ In 2017, all HOPE LAPD Units were operationalized. Data collection commenced in January 2017.

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Chart 2- 2017 LAPD HOPE Units, All Bureaus, Enforcement



b. RESET

The Resources Enhancement Services Enforcement Team is comprised of 56 officers, 5 sergeants, and a lieutenant who are assigned to Central Division. The Resources Enhancement Services Enforcement Team's primary mission is to respond to calls for service within boundaries of the RESET area, provide uniform foot beats, conduct homeless outreach, code enforcement, and force protection for LASAN.

Data for RESET was standardized to align with the HOPE Units in August of 2017. The data presented for RESET in this report covers August through December 2017.¹⁹

ii. DATA: LAPD RESET OUTREACH AND ENFORCEMENT EFFORTS

Between August and December 2017, RESET had a total of 4,519 contacts with the public in Los Angeles' Skid Row area. There were 2,637 contacts made with homeless individuals by RESET in 2017, representing 58 percent of all RESET contacts. Outreach efforts by RESET are specific to homeless individuals. The enforcement numbers captured by RESET include both homeless and non-homeless individuals. Beginning in January 2018, RESET commenced capturing enforcement data into two categories, homeless and non-homeless enforcement.

The type of outreach and enforcement efforts by RESET are provided in Chart 3 and Chart 4 of this report.

¹⁹ RESET outreach and enforcement data is unavailable for 2016 as RESET commenced to capture data in accordance with the homeless outreach effort in 2017. The timeframe for the data presented is August 2017 through December 2017. RESET enforcement includes all arrest, homeless and non-homeless.

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Chart 3- 2017 LAPD RESET, Outreach Efforts

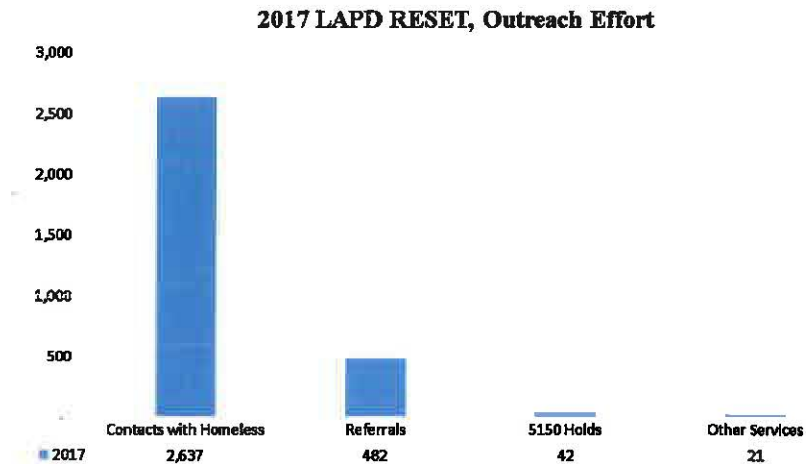
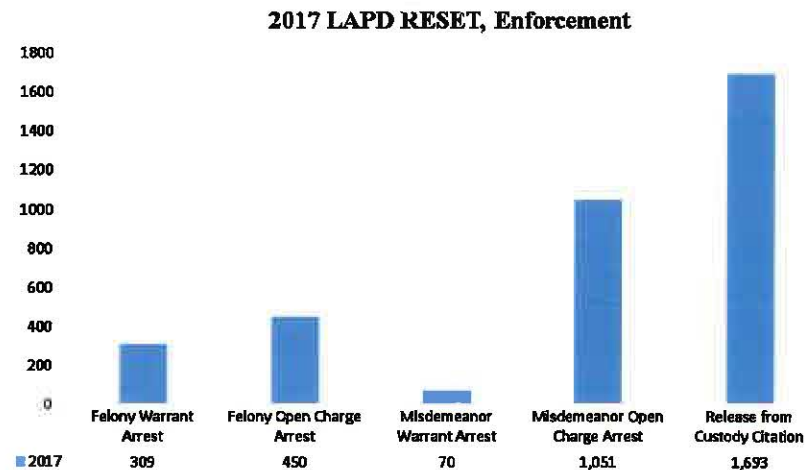


Chart 4- 2017 LAPD RESET, Enforcement



c. DEPARTMENT TRANSIT SERVICES DIVISION: DEDICATED HOMELESS OUTREACH EFFORT

The Department's commitment to end homelessness includes the recently established Transit Services Division (TSD). Transit Services Division has dedicated one supervisor and ten officers to the homeless effort.

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***i. DATA: TRANSIT SERVICES DIVISION DEDICATED HOMELESS
OUTREACH AND ENFORCEMENT EFFORT***

Chart 5 and Chart 6 provide data on TSD outreach and enforcement efforts.²⁰

Chart 5- 2017 LAPD Transit Services Division - Dedicated Homeless Outreach

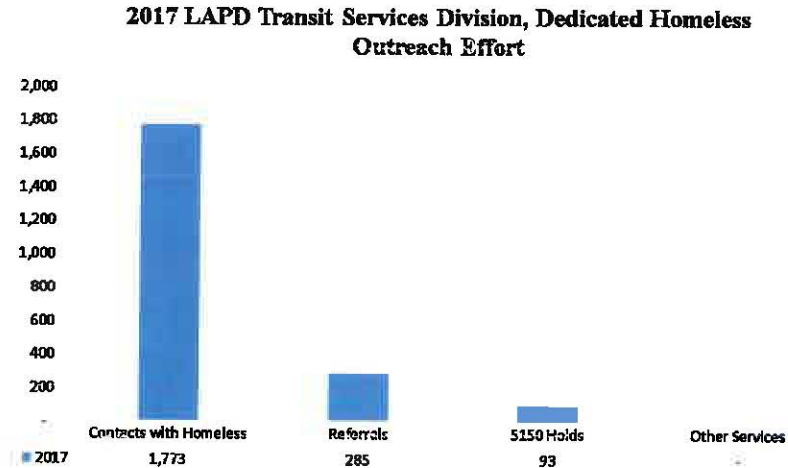
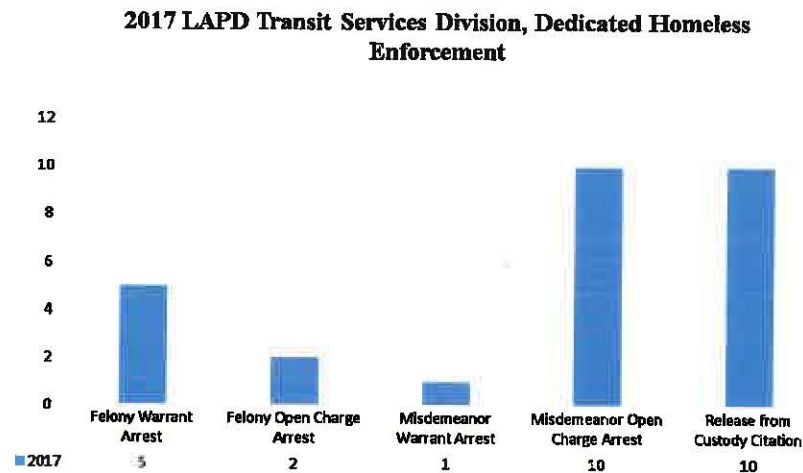


Chart 6- 2017 LAPD Transit Services Division-Dedicated Homeless Enforcement



²⁰ TSD became a functioning division servicing the Los Angeles County Metropolitan Transportation Authority (MTA) in 2017. Data presented in this section includes the transaction period beginning on June 1, 2017.

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X. DEPARTMENT'S PARTNERSHIP EFFORTS

a. THE LOS ANGELES HOMELESS SERVICES AUTHORITY

The Los Angeles Homeless Services Authority is an important bridge between the City, County and non-profit service for the homeless. Alignment between services within the City in coordination with LAHSA, is critical to ending homelessness in the City. As such, the Department's homeless outreach effort is a collaborative effort with LAHSA to ensure that homeless individuals have the best opportunity to connect with services.

i. DATA: THE LOS ANGELES HOMELESS SERVICES AUTHORITY

In 2017, LAHSA provided a range of services within the City. Charts 7 and 8 convey LAHSA's efforts by quarters and type of work.

1. LAHSA PLACEMENT

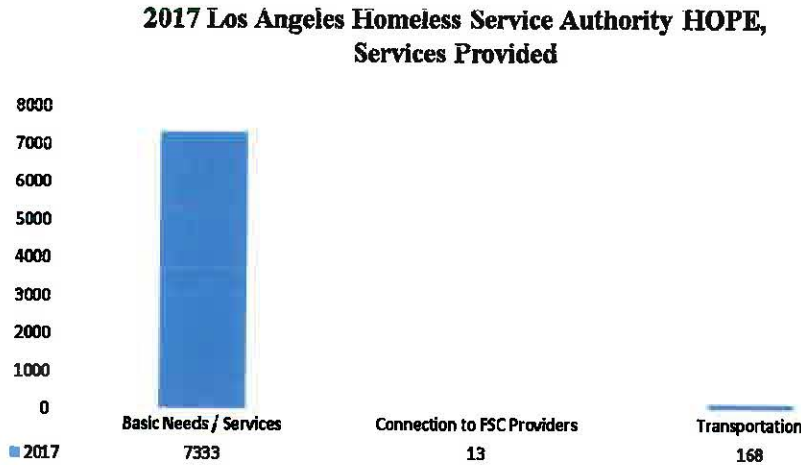
Chart 7- 2017 Los Angeles Homeless Service Authority HOPE, Placement



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2. LAHSA SERVICES PROVIDED²¹

Chart 8- 2017 Los Angeles Homeless Service Authority HOPE, Services Provided²²



b. The Los Angeles Public Works' Bureau of Sanitation

The Los Angeles Public Works' Bureau of Sanitation Department has three dedicated efforts with the Department that address public health issues. These three specific efforts are: 1) Public Right-of-Way Enforcement, also known as the HOPE Rapid Response Team, 2) Operation Healthy Streets (OHS), and 3) Clean Streets Los Angeles (CSLA). All three dedicated efforts are supported by the Department, whereby the Department responds with LASAN to ensure the public safety of all parties.

i. Data: The Los Angeles Bureau of Sanitation

1. LASAN EFFORTS²³

The Los Angeles Public Work's Bureau of Sanitation has provided the Department with data for calendar year 2017.²⁴ This data captures those collaborative efforts of the Department's 1) LASAN's HOPE Rapid Response Unit, 2) LASAN's Operations Healthy Street, and 3) LASAN's Clean Streets Los Angeles.

²¹ Based on the City's Homeless Strategy, LAHSA has provided the data available which supports the LAPD and LASAN's unified response to the strategy. The timeframe of this data therefore is only for 2017.

²² "Connection to FSC Providers" represents connections to a family solution center provider (FSC).

²³ Based on the City's Homeless Strategy, LASAN has provided the data available which supports the LAPD and LASAN's unified response to the strategy. The timeframe of this data therefore is only for 2017.

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In 2017, LASAN provided a range of services within the City. Charts 9, 10, and 11 convey LASAN's efforts by quarters and type of work.

Chart 9- 2017 LASAN HOPE: RAPID RESPONSE TEAM

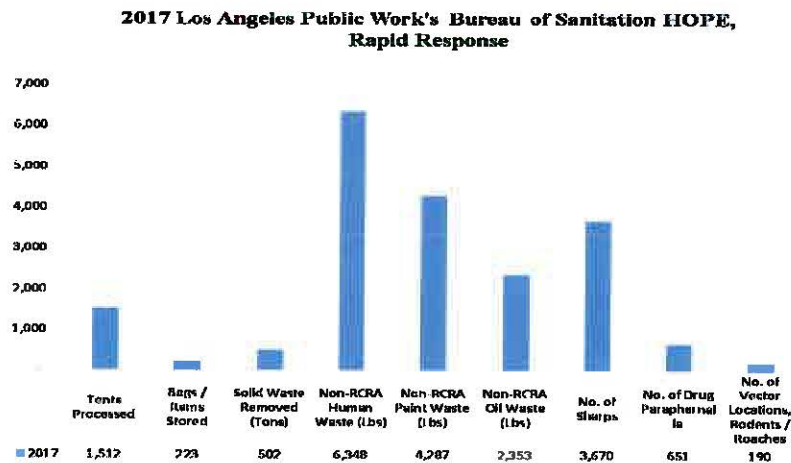
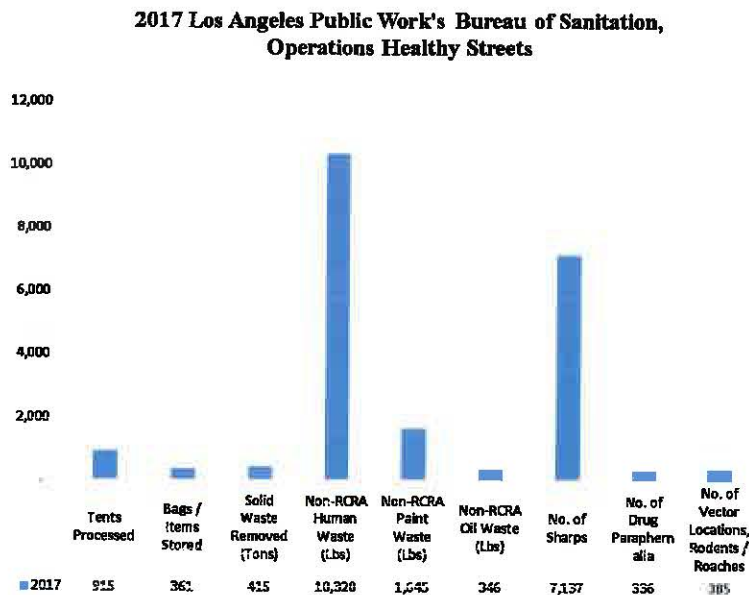
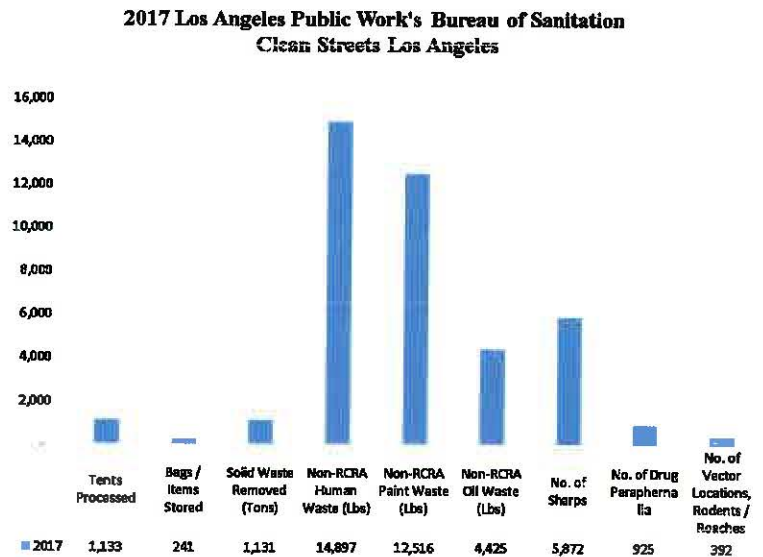


Chart 10- LASAN: OPERATION HEALTHY STREETS



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Chart 11- LASAN: CLEAN STREETS LOS ANGELES



XI. MOVING FORWARD

The Department is committed to a steadfast response to the City's homeless crisis. In 2018, the Department will continue efforts to improve the outcomes for homeless individuals while keeping the city safe, clean, and accessible to all. These efforts include supporting the delivery of services by our City partners, while leading those Department initiatives that are keeping with the roles and responsibilities provided by the Homeless Strategy.

To follow are homeless initiatives the Department will be a part of in 2018:

- The Department will assist the City in the convening of a homeless multi-agency coordination center, the Los Angeles Unified Homeless Response Center, LA-UHRC. The center will support a unified systematic response to homelessness in the City;
- The Department will continue the City's problem-solving efforts to significantly expand existing voluntary and involuntary storage solutions involving property of homeless individuals;
- The Department will continue loaning divisional Senior Lead Officers to HOPE Units to enhance their knowledge and resources available to those officers involved in homeless outreach;
- The Department will work with the LAFD to address homeless encampments within the Very High Fire Hazard Severity Zones. After the devastating fires of 2017 in Los Angeles, a task force was formed for the public's safety by addressing homeless encampments in very high fire hazard zones;
- The Department will continue supporting its Jail-In-Reach pilot program. The Jail-In-Reach program was piloted in 2017. It operates in three City jails, and it is an opportunity

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to offer services to homeless individuals which include medical treatment, psychological services, placement, treatment, and meetings for addiction. The Jail In-Reach Program consists of caseworkers from non-profit organizations, offering social services to assist homeless inmates;

- The Department will continue the delivery of Mental Health Intervention Training (MHIT) to all personnel. This training provides officers with extensive mental health knowledge, and a multitude of skills sets to better address those instances when an officer encounters an individual with mental illness. This training is prioritized for officers whom are most likely to encounter mental ill subjects. And, all new officers receive this training as part of the Department's Police Science Leadership module, MHIT training is specifically delivered when they complete their year of probation as sworn officers;
- The Department will continue providing de-escalation training to all sworn personnel. This training was mandatory for all officers in 2017. Now, de-escalation training is built into the training all new officers receive prior to the end of their probationary period; and,
- The Department will continue working with the City Attorney's Homeless Engagement and Response Team (HEART) Program with the goal of increasing the volume of participants. The HEART program reflects the city's comprehension that enforcement is not a solution to the homeless crisis. As such, the program offers Homeless individuals with a citation an opportunity to seek services in exchange for service hours to mitigate the citation.

This year-end report has been a presentation of the data illustrating the Department's work relating to Homelessness. Included in the report are the Department's 2018 Homeless Strategy initiatives, which advance the City's call to end homelessness.

EXHIBIT AU

CSLA CD 15 Posting Survey

On Monday, April 22, 2019, Environmental Compliance Inspector S. Cruz and CH Villareal conducted a homeless encampment (HE) survey for the above district and posted areas for clean-up on **Wednesday, April 24, 2019**. Locations with homeless encampments were posted on both sides of the street and adjoining blocks where applicable. Additional photographs taken are not included in this report.

Approximately **8 hours** of total cleanup time should be allowed for 04/24/19. The following resources will be required: One WPD team, one LASAN Solids team, one Clean Harbors Environmental Services team.

1. **WPD Case#54374, Authorization #190327018**

25327 S McCoy Ave, 90710 (Sidewalk)

25+ HEs, 31 postings. Most HEs were on Lomita Blvd. McCoy Ave had one HE near the Lomita Blvd intersection.

~8 hour clean-up

Figure 1: HE on the corner of Lomita Blvd and McCoy Ave



CSLA CD 15 Posting Survey

Figure 2: HEs on Lomita Blvd



Figure 2: HEs on Lomita



CSLA CD 15 Posting Survey

Figure 3: HEs on Lomita



Figure 4: McCoy Ave





LOS ANGELES BUREAU OF SANITATION, WATERSHED PROTECTION DIVISION CSLA HOMELESS ENCAMPMENT CLEANUP REPORT



CASE INFORMATION

Incident Date: 04/24/2019 Incident Time: 0830 Temp: 70 °F Is it Raining? No

Posting Date: Posting done on 04/22/2019 HE Authorization #: 190327018 HE Authorization Date: 3/27/2019

LAMC 56.11 Violations? ☒ Yes ☐ No Arrest by other Agency? ☐ Yes ☒ No Public Area Cleaning? ☒ Yes ☐ No Property Custody Document #: N/A

Owner(s) Identified? ☐ Yes ☒ No Last Name: N/A First Name: N/A Middle Name: N/A

Sex: ☐ M ☐ F Birth date: N/A Weight: N/A Height: N/A Marital Status: ☐ Single ☐ Married

Government ID #: N/A Phone #: N/A Other ID Info:

Incident Street Address: 25327 S. McCoy Ave

Cross Street: W. 253rd St City: Los Angeles State: CA ZIP Code: 90710

Environmental Compliance Inspector Name: M. Hu Badge/Serial #: N/A

Environmental Compliance Inspector Name: CH Sanchez Badge/Serial #: N/A

Environmental Compliance Inspector Name: Badge/Serial #: N/A

Environmental Compliance Inspector Name: Badge/Serial #: N/A

Agency/Arresting Inspector Name: N/A Badge/Serial #: N/A Arrest/Incident #: N/A

Other Details:

LOCATION/INCIDENT DETAILS

Sidewalk? ☒ Yes ☐ No Alley? ☐ Yes ☒ No Easement? ☐ Yes ☒ No

Personal/Excess Property Information

Is it obstructing City Operations? ☒ Yes ☐ No Is it blocking ingress/egress or ADA? ☒ Yes ☐ No Is it stored during closure hours? ☐ Yes ☒ No Is it a Bulky Item non-structure? ☒ Yes ☐ No

Is it a Bulky Item structure? ☐ Yes ☒ No If Yes → Posting Date: Posting Time:

Is it a Health Hazard? ☒ Yes ☐ No Health Hazard Checklist #:

Notes:

CTY001944

CONTINUATION SHEET

ne of Report: CSLA HOMELESS ENCAMPMENT CLEANUP

CASE # 54374

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COMPLAINT

Sanitation Watershed Protection Division received a request from City District 15 to address immediate health threats in public areas and violations of Los Angeles Municipal Code Section 56.11. Public health concerns include the presence of feces, urine, sharps, and other potential health hazards.

INCIDENT DETAIL

On 4/24/2019, at approximately 0830 hours, Environmental Compliance Inspectors Hu and CH Sanchez were assigned to lead the CSLA cleanup detail in Council District 15, at 25327 S. McCoy Ave. We performed public area cleaning with the assistance of the Los Angeles Police Department Valley, Clean Harbors Environmental Services and LASAN Solids. The LAPD crew was made up of 5 Inspectors, the LASAN Solids crew was made up of 6 workers, and the Clean Harbors crew was made up of 3 workers. The Solids crew and LAPD isolated and blocked the immediate area to be assessed and prevented the public from entering the affected area until completion of the project.

On 25327 S. McCoy Ave, 13 homeless encampments were located on the sidewalk of 25327 S. McCoy Ave/Lomita Blvd and 2 homeless encampments were on city parking lot of Greenway located on 25327 S. McCoy Ave. Greenway Parking lot was confirmed and verified to be City of LA property, as indicated by the sign. A total of fifteen (15) homeless encampments blocked ADA access and few had attachments. One female in Greenway parking lot was making commotion and after LAHSA was unable to console her, LAPD escorted her out. One bag of her items was returned to her. All three authorization signatures for homeless encampment clean up were not verified until 1000 hours. At approximately 1000 hours, ECIs began inspecting each encampment for hazardous and non-hazardous items and to take custody of unattended personal property for storage.

(1) 25327 S. McCoy Ave

Items found with evidence of wet, dirty, contaminated, infectious, odorous/foul-smelling, broken, disrepair/damaged, or vermin infested:

Location 1: 25327 S. McCoy Ave (In Greenway Parking lot) 1 female individual

- Food waste
- Bulky items
- Blankets
- Mattress
- Furniture
- Plastic crates
- Clothes
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Aerosols
- Sharps

Location 2: 25327 S. McCoy Ave (In Greenway Parking lot) Unattended

- Food waste
- Shopping cart
- Cabinet
- Clothes
- Rugs
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Sharps

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Location 3: 25327 S. McCoy Ave (1st on the east of Lomita Blvd) Unattended

- Food waste
- Blankets
- Clothes
- Cardboards
- Griller
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols

○ **Vectors**

- **1 rat**

Location 4: 25327 S. McCoy Ave (2nd on the east of Lomita Blvd) Unattended

- Food waste
- Bulky items
- Blankets
- Clothes
- Mattress
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols
- Sharps

Location 5: 25327 S. McCoy Ave (3rd on the east of Lomita Blvd) Unattended

- Food waste
- Blankets
- Pet cage
- Clothes
- Pillows
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols

Location 6: 25327 S. McCoy Ave (4th on the east of Lomita Blvd) Unattended

- Food waste
- Shopping cart
- Clothes
- Cart
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols
- Sharps

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Location 7: 25327 S. McCoy Ave (5th on the east of Lomita Blvd) Unattended

- Suitcases
- Blankets
- Clothes
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Aerosols
- Sharps

Location 8: 25327 S. McCoy Ave (6th on the east of Lomita Blvd) Unattended

- Suitcases
- Blankets
- Pillows
- Backpacks
- Clothes

▪ **Hazardous Waste**

Location 9: 25327 S. McCoy Ave (7th on the east of Lomita Blvd) Unattended

- Food waste
- Bike frames, bike parts
- Blankets
- Sleeping bags
- Clothes
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols

Location 10: 25327 S. McCoy Ave (8th on the east of Lomita Blvd) Unattended

- Tent
- Blankets
- Clothes
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols

Location 11: 25327 S. McCoy Ave (9th on the east of Lomita Blvd) Unattended

- Food waste
- Bulky items
- Tarps
- Blankets
- Clothes
- Pallets
- Miscellaneous trash and debris

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▪ **Hazardous Waste**

- Urine
- Aerosols

Location 12: 25327 S. McCoy Ave (10th on the east of Lomita Blvd) Unattended

- Food waste
- Tarps
- Blankets
- Clothes
- Shopping carts
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols

Location 13: 25327 S. McCoy Ave (11th on the east of Lomita Blvd) Unattended

- Food waste
- Blankets
- Tent
- Clothes
- Propane tank
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols
- Batteries

Location 14: 25327 S. McCoy Ave (12th on the east of Lomita Blvd) Unattended

- Food waste
- Furniture
- Bulky items
- Blankets
- Clothes
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosols
- Paint

Location 15: 25327 S. McCoy Ave (13th on the east of Lomita Blvd) Unattended

- Blankets
- Backpacks
- Clothes
- Shopping carts
- Miscellaneous trash and debris

▪ **Hazardous Waste**

- Urine
- Aerosol

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Total Metrics: Hazardous Waste and Etc. Inventory

- Total tonnage / Solid waste / Trash / Bulky items [7000] lbs
- Total hazardous waste for disposal [305] lbs
 - Feces [30] lbs
 - Urine [150] lbs
 - Sharps (razors, syringes) [40] lbs.
 - Aerosols [40] lbs
 - Corrosives [10] lbs
 - Waste paint [35] lbs

MITIGATION/CLEANUP

Clean-up operations began at approximately 1000 hours and completed at 1300 hours. Clean Harbors and Sanitation Solids personnel cleaned the area of miscellaneous bulky items, trash, and debris. Clean Harbor sanitized the underpass afterward with bleach.

Any personal property stored was bagged, labeled, and transported to a storage facility located at The Bin at Towne. Stored items are kept for a period of 90 days. Information was posted along the cleanup area informing owners as to the location and conditions of where personal items can be retrieved.

Hazardous materials or wastes were identified during the mitigation for proper transport and disposal by Clean Harbors Environmental Services under uniform hazardous waste manifest 012828918FLE and 012828313FLE.

Six personal property bags were stored.

EVIDENCE/SAMPLES

Environmental Compliance Inspector Hu obtained 194 photographs of the incident during the mitigation/cleanup of the site. See figures below for a representation of the incident site. Additional photographs are not included in this report.

FIGURE #1

25327 S. McCoy Ave (Greenway Parking Lot) Before Operation began



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FIGURE #2

25327 S. McCoy Ave (Greenway Parking Lot) City Sign indicating City property



FIGURE #3

Sharps found on sidewalk of 25327 S. McCoy Ave (Greenway Parking Lot)



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FIGURE #4

25327 S. McCoy Ave (Greenway Parking Lot) After Operation Completed



FIGURE #5

25327 S. McCoy Ave (Lomita Blvd) Before Operation began



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FIGURE #6

Sharps, aerosols, propane tank, urine, batteries and waste paints found on sidewalk



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FIGURE #7

25327 S. McCoy Ave (Lomita Blvd) After Operation began



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FIGURE #8

Six Personal Property Bags stored



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CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 10:00-13:00 Case Number: 54374

Location Description: LOC #1

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison _____
- ☒ Flammable Aerosols _____
- ☐ Corrosive _____
- ☐ Reactive _____
- ☐ Highly-compressed gas or liquid _____
- ☐ Motor oil or other petroleum oil _____
- ☐ Substances listed in Title 22 _____
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent. _____
- ☒ Biohazard / infectious / sharp / infested material Syringes _____

☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Blankets		Food waste		Mattress
Clothes				Furniture
				Plastic crates
				Misc. trash/debris

Comments: 4x furniture, 1x mattress, 1x plastic crate



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: LOC #2

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison _____
- ☐ Flammable _____
- ☐ Corrosive _____
- ☐ Reactive _____
- ☐ Highly-compressed gas or liquid _____
- ☐ Motor oil or other petroleum oil _____
- ☐ Substances listed in Title 22 _____
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent. _____
- ☒ Biohazard / infectious / sharp / infested material knife

☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
<u>Clothes</u>				<u>Shopping cart</u>
				<u>Cabinet</u>
				<u>Rugs</u>
				<u>Misc. trash and debris</u>

Comments: 1x Rug, 1x shopping cart, 1x cabinet



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: LOC #3

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison
- ☒ Flammable Aerosols
- ☐ Corrosive
- ☐ Reactive
- ☐ Highly-compressed gas or liquid
- ☐ Motor oil or other petroleum oil
- ☐ Substances listed in Title 22
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent.
- ☒ Biohazard / infectious / sharp / infested material Urine, rat (1)
- ☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Blankets		Food waste		Cardboards
Clothes				Griller
				Misc. trash/debris

Comments: 1x griller, 1x rat,



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: LOC #4

Item Description: 25327 S. McCay Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison
- ☒ Flammable Aerosols
- ☐ Corrosive
- ☐ Reactive
- ☐ Highly-compressed gas or liquid
- ☐ Motor oil or other petroleum oil
- ☐ Substances listed in Title 22
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent.
- ☒ Biohazard / infectious / sharp / infested material Urine, syringe
- ☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Blankets		Food waste		Mattress
Clothes				Bulky items
				Misc. trash/debris

Comments: 1x mattress, scattered clothes



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: LOC #5

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison _____
- ☒ Flammable Aerosols _____
- ☐ Corrosive _____
- ☐ Reactive _____
- ☐ Highly-compressed gas or liquid _____
- ☐ Motor oil or other petroleum oil _____
- ☐ Substances listed in Title 22 _____
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent. _____
- ☒ Biohazard / infectious / sharp / infested material None _____

☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Blankets		Food waste		Pet cage
Clothes				Misc. trash/debris
Pillows				

Comments: 1x pet cage, 1x pillow, 1x blanket



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: LOC # 6

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison _____
- ☒ Flammable Newsels
- ☐ Corrosive _____
- ☐ Reactive _____
- ☐ Highly-compressed gas or liquid _____
- ☐ Motor oil or other petroleum oil _____
- ☐ Substances listed in Title 22 _____
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent. _____
- ☒ Biohazard / infectious / sharp / infested material Urine, syringe

☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
<u>Clothes</u>		<u>Food waste</u>		<u>Shopping cart</u>
				<u>Cart</u>
				<u>Misc. trash/clothes</u>

Comments: Scattered clothes, 1x cart



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: Loc #7

Item Description: 25327 S. McCloy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison
- ☒ Flammable Acetone
- ☐ Corrosive
- ☐ Reactive
- ☐ Highly-compressed gas or liquid
- ☐ Motor oil or other petroleum oil
- ☐ Substances listed in Title 22
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent.
- ☒ Biohazard / infectious / sharp / infested material Sharps

☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Suitcase				Misc. trash/debris
Blanket				
Clothes				

Comments: 1x Suitcase



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: LOC A8

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison
- ☐ Flammable
- ☐ Corrosive
- ☐ Reactive
- ☐ Highly-compressed gas or liquid
- ☐ Motor oil or other petroleum oil
- ☐ Substances listed in Title 22
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent.
- ☐ Biohazard / infectious / sharp / infested material
- ☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Blankets				
Pillows				
Backpacks				
Clothes				
Suitcases				

Comments: 1x suitcase



CITY OF LOS ANGELES
LASAN WATERSHED PROTECTION
HEALTH HAZARD CHECKLIST



Date: 4/24/19 Time: 1000-1300 Case Number: 54374

Location Description: Loc # 9

Item Description: 25327 S. McCoy Ave, Los Angeles 90710

Health Hazard Determination :(check all that apply)

- ☐ Toxin / poison
- ☒ Flammable aerosols
- ☐ Corrosive
- ☐ Reactive
- ☐ Highly-compressed gas or liquid
- ☐ Motor oil or other petroleum oil
- ☐ Substances listed in Title 22
- ☐ Substances, wastes, or materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent.
- ☒ Biohazard / infectious / sharp / infested material none
- ☐ Contaminated items (see table below)

Contaminated items that were disposed of				
Clothing	Tent	Perishables	Book/toiletries	Others
Blankets		Food waste		Bike frames/parts
Sleeping bags				Misc. trash/debris
Clothes				

Comments: 2x bike frames, 4x bike parts, 1x bag of clothes



NOTICE:

MAJOR SIDEWALKS, ALLEYS, PARKS, AND OTHER PUBLIC ACCESS AREAS

**AN AREA CLEANING WILL COMMENCE AT THIS
LOCATION ON:**

Wednesday, April 24, 2019 at 08:00 AM

**PLEASE REMOVE ALL PERSONAL
BELONGINGS, INCLUDING BULKY ITEMS
BY**

Wednesday, April 24, 2019 at 08:00 AM

This effort is designed to clean, improve and maintain a safe environment for the general public. The City may use power wash and street cleaning equipment to clean and disinfect the sidewalks, alleys, parks and other public access areas.

Please remove all personal belongings, including bulky items from sidewalks, alleys, parks, and public access areas. All property remaining will be removed by the City. Property left behind, except for items that pose an immediate threat to public health or safety, trash, and evidence of a crime or contraband, will be collected by the City and kept in a secure location for a period of 90 days during which time it may be retrieved by its rightful owner.

Items collected by the City may be retrieved at:

507 Towne Avenue
Los Angeles, CA 90013
Monday - Friday
(9:30 a.m. - 12:30 p.m. and 1:00 p.m. - 4:00 p.m.)
213-806-6355

The City of Los Angeles greatly appreciates your cooperation as we initiate necessary measures to ensure that your communities are safe and healthy.

25327 S McCoy Ave

CTY001976



CTY001978